MINISTRY OF ECONOMIC AFFAIRS AND COMMUNICATIONS

REGULATION

04.02.2025 No 5

Support for Large-scale Investments

The Regulation is established on the basis of subsection 53^1 (1) of the State Budget Act.

Chapter 1
General provisions

§ 1. Scope of regulation

(1) The Regulation lays down the terms and conditions and procedure for the granting, use, recovery and payment of support for large-scale investments.

(2) Information and documents related to the application, granting and use of the support shall be submitted through the e-support environment referred to in the Government of the Republic Regulation No 121 of 31 July 2014 Statutes for Maintenance of Register of Structural Assistance (hereinafter *e-support environment*), unless otherwise specified in the current Regulation. If the relevant type of documents cannot be submitted in this environment, the digitally signed document is submitted electronically.

§ 2. State aid

(1) The support constitutes regional aid for investment within the meaning of Article 14 of Commission Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.06.2014, pp. 1–78, (hereinafter referred to as the *General Block Exemption Regulation*) or the support granted to an enterprise for investment within the meaning of Article 17 of the General Block Exemption Regulation as provided in subsection 6 (2) and is subject to the provisions of that Regulation and to the provisions of § 34^2 of the Competition Act.

(2) The support is not granted in the cases provided for in Articles 1(2)–(6) of the General Block Exemption Regulation and, in the instance provided for in Article 14, in the cases provided for in Article 13 of the General Block Exemption Regulation.

§ 3. Definitions

(1) Within the meaning of the current Regulation:
1) initial investment is the acquisition or leasing of assets in connection with the setting-up of a new undertaking or establishment, the increase in the production capacity of an existing undertaking, the diversification of production with products not yet produced by the undertaking or the complete reorganisation of the entire production process of an existing undertaking;
1^1) a priority technology project is a project whose main activity meets at least one of the conditions provided in subsection (2);
2) an establishment is a business entity that operates independently of an existing business entity of an undertaking and has a separate production process;
3) intangible assets are assets within the meaning of Article 2(30) of the General Block Exemption Regulation, which an undertaking uses for a longer period than five years;

3[1]) the defence industry is a sector related to the manufacture of goods provided in subsections 2 (2) and (8) of the Strategic Goods Act or to the activities provided in subsection 4 (1) of the aforesaid Act;
4) tangible assets are assets within the meaning of Article 2(29) of the General Block Exemption Regulation, which an undertaking uses for a longer period than five years;
5) a project plan is a detailed description of the activity, the objective and the means to be used for the execution thereof which has been prepared by the undertaking and has an impact on its activities or expansion;
6) a large enterprise is an undertaking that does not meet the criteria set forth in Article 2 of Annex I to the General Block Exemption Regulation.

(2) The project referred to in clause 1 (1[1]) shall meet at least one of the following conditions:
1) the manufacturing of net-zero technologies within the meaning of Regulation (EU) 2024/1735 of the European Parliament and of the Council on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (OJ L, 2024/1735, 28.6.2024), which covers the development or manufacturing of such technologies, their components, materials, installations or manufacturing systems;
2) the decarbonisation of energy-intensive industries through the transformation of manufacturing processes, provided that the project significantly reduces greenhouse gas emissions and involves the deployment of net-zero technologies or manufacturing systems that are directly and specifically necessary for the manufacturing of net-zero technologies;
3) the extraction, processing, refining, recycling or substitution of critical and strategic raw materials, where such raw materials are provided in Annexes I and II to Regulation (EU) 2024/1252 of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020 (OJ L, 2024/1252, 03.05.2024;
4) strategic digital technologies, including semiconductors, microelectronics, artificial intelligence, high-performance data processing, quantum technologies, cyber security, and cloud and edge infrastructure, as well as components, devices, manufacturing systems or data processing infrastructure directly related to them, which are specifically designed for the development or manufacturing of the aforesaid technologies, or whose primary purpose is the provision of artificial intelligence, high-performance data processing, or the provision of cloud or edge services within strategic value chains;
5) biotechnologies involving the development or manufacture of critical medicines, their active substances, components or manufacturing systems, or which are directly related to ensuring health security;
6) manufacture of food products and beverages (EMTAK division C, subdivisions 10 and 11).

§ 4. Purpose and outcome of granting support

(1) The aim of the support is to encourage large-scale investment in Estonia and thereby increase the competitiveness, export capacity and added value of undertakings.

(2) As a result of the granting of the support, each beneficiary shall create at least 20 jobs in Estonia with an average gross monthly wage equal to or higher than the average gross monthly wage in Estonia, as published by Statistics Estonia for the quarter preceding the submission of the application, in the area of activity specified in Annex 16 Classification of Economic Activities in Estonia (hereinafter *EMTAK*) to the Regulation of the Minister of Justice of 28 December 2005 No 59 Procedure for Submitting Documents to the Court at two-digit level of detail in which or under which the project is to be carried out. The average gross monthly wage is calculated on the basis of the average gross monthly wage of 20 jobs selected by the beneficiary.

§ 5. Implementation of support

The Estonian Business and Innovation Agency (hereinafter *EIS*) is responsible for processing support applications, deciding whether to accept, reject or amend applications, payment of support, monitoring the use of the support and recovering the support.

Chapter 2
Supported activities, eligibility of expenses and support rate

§ 6. Supported activities

(1) Support shall be granted for an investment as provided for in subsection (2) or (3), the eligible costs of which amount to at least 70 million euros, and which contributes to achieving the objective and result set out in § 4.

(1^1) If the project of the applicant constitutes a project involving a priority technology, support shall be granted for an investment as provided in subsection (2) or (3) whose eligible costs amount to at least 35 million euros and which contributes to achieving the purpose and outcome provided in § 4.

(1^2) If the project of the applicant is related to the defence industry, support shall be granted for an investment as provided in subsection (2) or (3), where the eligible costs amount to at least 20 million euros and which contributes to achieving the purpose and outcome provided in § 4.

(2) If the applicant is an undertaking that meets the criteria set out in Article 2 of Annex I to the General Block Exemption Regulation (hereinafter SME), the support is granted for an initial investment on the basis of Article 14 of the General Block Exemption Regulation or on the basis of Article 17 for an investment set out in paragraph 3 of the latter.

(3) If the applicant is a large enterprise, the support is granted for investment within the meaning of Article 2(51) of the General Block Exemption Regulation.

(4) The immovable for which the investment is to be made must be owned by the applicant or the applicant must have entered into a lease agreement for its use or a limited real right has been established on the immovable in favour of the applicant or the applicant must have entered into a notarised preliminary agreement on the acquisition of the immovable or the establishment of a limited real right or a preliminary contract for lease. If the immovable for which the investment was made is not owned by the applicant, a lease contract for the use of the immovable must be entered into or limited real right must be established for the entire eligibility period of the project and for at least five years after the end of that period.

§ 7. Eligibility of expenses

(1) Eligible costs must be justified, documented and incurred as part of an activity supported during the eligibility period of the project, and must have been paid by the beneficiary. An expense is justified if it is appropriate, necessary and effective to achieve the result set out in § 4.

(2) Only expenses paid by bank transfer on the basis of the original accounting documents will be taken into account for the purposes of verifying eligible costs and self-financing.

(3) Eligible costs do not include VAT, fines, interest on late payments and other financial penalties, legal and court fees, depreciation, or costs covered by support from other national, local government, European Union or other instruments of external assistance.

(4) The following costs of the activities provided for in subsections 6 (2) and (3) on market conditions are eligible:
1) acquisition costs of tangible assets;
2) the cost of construction and renovation of a construction work;
3) the cost of leasing tangible assets under the terms and conditions set out in Article 14(6) or Article 17(3a) of the General Block Exemption Regulation;

4) the cost of setup and transport, and the cost of insurance required for transport of tangible assets, if this is included in the acquisition cost of the tangible assets;
5) the cost of acquiring intangible assets under the terms and conditions set out in Article 14(8) or Article 17(4) of the General Block Exemption Regulation.

(5) In the case of a beneficiary who is a large enterprise, the assets to be acquired or leased must be new. Assets are considered to be new if they have not previously been used in the course of economic activities.

(6) Ownership of a purchased asset must be transferred to the beneficiary during the project's eligibility period. In the case of financial leases, the lease contract period may be longer than the eligibility period if the contract provides for the ownership of the asset to be transferred to the beneficiary after all lease payments have been made.

(7) Where the activity supported involves the production of a new product, the eligible costs must be at least 200% higher than the book value of the assets to be reused in the financial year preceding that in which the work starts.

(8) A new product is a product which has not been previously produced by the applicant or which is produced by a large enterprise applicant in an activity which does not fall within the same or a similar activity within the meaning of Article 2(50) of the General Block Exemption Regulation as its principal activity.

§ 8. Amount and share of support

(1) The maximum amount of the support is 20,000,000 euros per project.

(2) The maximum share of support is 10%. The maximum share of support is 15% if the average gross wage of the jobs created exceeds 1.5 times the average gross wage specified in subsection 4 (2) and the location of the investment is outside Harju County. Workers are defined as persons employed in jobs created as a result of the granting of the support.

(2^1) If the maximum permissible support amount for a project supported under Article 14 of the General Block Exemption Regulation, calculated in accordance with Article 2(20) of the aforesaid Regulation, is lower than the maximum support amount calculated in accordance with paragraph 2, the maximum amount of support permitted under Article 2(20) of the General Block Exemption Regulation shall apply to the project.

(3) The maximum share of support in eligible costs is 10% if the applicant's place of business is located in Harju County.

(3^1) Where support is granted pursuant to Article 17 of the General Block Exemption Regulation, the maximum permissible support amount provided in Article 4(1)(c) of the Regulation shall not be exceeded and, for the purposes of Article 2(1) of Annex I to the General Block Exemption Regulation, the maximum support percentage for a medium-sized enterprise shall be ten percent.

(4) The self-financing of the project must cover the part of the eligible costs that the support does not.

§ 9. Project eligibility period

(1) A project’s eligibility period is the time frame stipulated in the decision to approve the application during which project-related activities start and end and expenses necessary for carrying out the project are incurred.

(2) The eligibility period of the project begins as of the date of submission of the application or as of

the later date specified in the decision approving the application and ends on the date specified in the decision approving the application.

(3) The project eligibility period lasts for up to 48 months.

(4) The applicant must not commence project activities or take responsibility for the implementation of said activities before submitting their application.

(5) The beneficiary may apply for an extension of the eligibility period of the project with good reason and provided that the result to be achieved remains related to the objectives of the granting of the support. If the project eligibility period is extended, it may exceed the duration of the eligibility period provided for in subsection (3).

(6) The beneficiary must immediately request the termination of the project if circumstances arise which make it impossible to continue the project.

(7) The project ends when the final report has been validated by EIS and the final payment has been made to the beneficiary.

Chapter 3
Applying for support and processing of applications

§ 10. Applying for support

(1) Support is applied for on a continuous basis or on the basis of calls. The same company, as well as a company belonging to the same group as the company, may receive support under the Regulation only once.

(2) EIS publishes on its website the budget for support and the start, end and suspension dates of calls for applications, as well as whether the applications are ongoing or based on calls, in prior coordination with the Ministry of Economic Affairs and Communications.

(3) In the case of application based on calls, EIS will announce the start and end dates for the acceptance of applications at least 20 calendar days prior to the start of the call. In the case of application on a continuous basis, EIS will give at least 20 calendar days' notice of the start of the acceptance of applications.

(4) In the case of application on a continuous basis, EIS will stop accepting applications and notify of this on its website when the budget available for the funding of applications reaches the amount of the support indicated in the pending applications for which a decision has not yet been made.

§ 11. Preliminary consultation

(1) Before applying for support, the applicant must undergo a preliminary consultation conducted by EIS, which results in a preliminary evaluation of the applicant's project plan.

(2) EIS will give a positive preliminary evaluation to the project plan if it considers, on the basis of what is described therein, that it can help to achieve the objective and result set out in § 4. The preliminary evaluation is not binding on EIS upon the evaluation of the application.

(3) The project plan shall be drawn up using the form published on the EIS website and shall include:
1) the objective of the project and the area of activity of the project according to the EMTAK classification;
2) a description of project activities, the location of their implementation and a timetable;
3) the expected outcome of the project, together with a financial forecast based on § 4;

4) the project budget and sources of funding;
5) an overview of the previous experience and competence of the team responsible for the project activities.

(4) The preliminary consultation is carried out within 15 working days of the submission of the project plan to EIS. The preliminary evaluation is valid for six months.

§ 12. Requirements for applicant

(1) Support may be requested by a company entered in the Estonian Commercial Register. A state or a local government entity may not hold more than 49% of the shares in the applicant or in any company belonging to the same group as the applicant.

(2) An applicant must comply with the following requirements:
1) the tax and payment arrears of the applicant to the state with interest may not exceed €100 or their payment must be deferred and payments must be made according to the schedule;
2) at the time of the verification of the applicant's and the application's compliance with the requirements, the obligation to submit tax returns and annual accounts to the Commercial Register as provided for in the Taxation Act has been duly fulfilled;
3) no liquidation, compulsory dissolution or bankruptcy proceedings may have been initiated and no bankruptcy order may have been issued against the applicant or a person with dominant influence over the applicant;
4) the applicant is not in difficulty within the meaning of Article 2(18) of the General Block Exemption Regulation;
5) no support may have been granted under the Regulation to the applicant or to a company belonging to the same group as the applicant;
6) the applicant or their legal representative does not have a current criminal conviction;
7) the applicant has duly repaid or waived the use of any support they received from national, local government, European Union or other instruments of external assistance which was due to be repaid;
8) the applicant has not at the same time received or applied for support for the supported activity from the instruments set out in clause 7.

§ 13. Requirements for application

(1) The application must contain at least the following information, declarations and documents:
1) the name of the applicant, the registry code, the EMTAK activity code and whether the applicant is an SME or a large enterprise;
2) project title, objective and description, start and end date, list of eligible costs, total budget and amount of the support, location of the implementation of project activities;
3) a project plan with a valid positive preliminary assessment;
4) the applicant's annual accounts for the last financial year if they are not available in the Commercial Register, and the consolidated annual accounts of the group for the last financial year, if the applicant is part of a group;
5) the applicant’s balance sheet and income statement for the current financial year as of the quarter preceding the submission of the application;
6) a budget estimate for the project on the EIS form;
7) a power of attorney if the person who has the right to represent the applicant acts on the basis of an authorisation;
8) a declaration by the applicant that there has been no relocation and no relocation will take place within two years of the initial investment being made on the basis of the requested support;
9) a confirmation that the applicant meets the requirements set forth in § 12;
10) documents proving compliance with the requirement laid down in subsection 6 (4);
11) information on whether the applicant has applied for or received support for the project or project activities from state, local government, European Union or other instruments of external assistance.

(2) Relocation is the transfer of an undertaking's activities or a part thereof within the meaning of Article 2(61a) of the General Block Exemption Regulation.

§ 14. Processing of applications

(1) The deadline for processing the application is 40 days from the date of closing of the call in the case of application based on calls and from the date of application submission in the case of application on continuous basis.

(2) The time for processing the application may be extended by up to 10 working days in justified cases, of which the applicant will be informed.

(3) If shortcomings are discovered when the compliance of the application is verified, the applicant will be immediately informed about this and given up to 10 working days to fix them and the term for processing the application will extend by this time.

(4) EIS will make the decision to reject an application without evaluating the application substantively if:
1) the applicant has not eliminated the shortcomings within the term specified in subsection (3).
2) the application or the applicant does not comply with at least one of the requirements specified in the Regulation and the non-compliance cannot be remedied.

§ 15. Evaluation of applications and evaluation criteria

(1) A compliant application shall be assessed in accordance with the evaluation guidelines, which shall be drawn up by EIS on the basis of the evaluation criteria set out in subsection (4), agreed with the Ministry of Economic Affairs and Communications and submitted to the Ministry of Regional Affairs and Agriculture for an opinion. EIS has the right to form a committee for the evaluation of applications and to involve independent experts. The composition of the evaluation committee will be coordinated with the Ministry of Economic Affairs and Communications.

(2) The composition of the evaluation committee and the evaluation guidelines will be published on the EIS website on the first day of receipt of applications at the latest.

(3) Applications are evaluated on a scale of 0 to 4 on the basis of the criteria set out in clauses (4) 1–4 and given a score of either 0 or 4 in the case of the criterion set forth in clause 5. 0 stands for ‘unsatisfactory’ and 4 stands for ‘excellent’. The total score is the weighted average of the scores for the evaluation criteria.

(4) The application evaluation criteria and their weights of the total score are as follows:
1) the impact of the project on the achievement of the objective and result set out in § 4, taking into account the average gross monthly wage of the jobs to be created – 40% of the total score;
2) the applicant's capacity to achieve the project's objective – 20% of the total score;
3) the impact of the project on the Estonian economy – 20% of the total score;
4) the level of project preparation – 10% of the total score;
5) the place of implementation of the project activities is located outside Harju County – 10% of the total score.

(5) In the case of application based on calls, EIS ranks the applications based on the evaluation result. In the case of application based on calls, EIS ranks the applications based on the provisions of the evaluation guidelines.

§ 16. Approval or rejection of application

(1) The application shall be approved if the applicant and the application meet the requirements laid

down in the Regulation and there are no grounds for refusal under subsection (3).

(2) The following will be set out in a decision to approve an application:
1) beneficiary’s name, registration code and project title;
2) total cost of the project, the amount of the support and its share in eligible costs;
3) eligibility period of the project;
4) terms and conditions of implementing the project;
5) reporting deadlines and procedure for submission of reports;
6) terms and conditions of payment of support.

(3) An application is rejected if at least one of the following applies:
1) the application has a total score of less than 2.50;
2) the application has obtained a score of less than 2.00 for at least one of the criteria set out in clauses 15 (4) 1–4;
3) the applicant unlawfully influences the decision making;
4) the support amount applied for exceeds the available balance of the budget for funding applications and the application cannot be partially approved;
5) the applicant or application is not in compliance with at least one requirement specified in the Regulation.

(4) The decision to approve, reject or amend the said decision shall be communicated to the applicant or the beneficiary within three working days from the date of the decision in the manner provided for in §§ 26–29 of the Administrative Procedure Act.

§ 17. Partial approval of application or approval with secondary condition

(1) Partial approval of an application is permitted in the following cases:
1) the support has been requested for covering activities or expenses that are not justified;
2) the amount of the support requested exceeds the available balance of the funding budget.

(2) The application may be partially approved if the result and the objective of the project as set out in § 4 can be achieved if the application is partially approved and the applicant agrees to EIS's proposal to reduce the amount of the support requested. If the applicant does not consent to the proposal, EIS makes a decision to reject the application.

(3) A decision to approve an application may be made with a secondary condition within the meaning of § 53 of the Administrative Procedure Act if the applicant must take additional measures. If the applicant does not consent to the establishment of the secondary condition, EIS makes a decision to reject the application.

(4) If an application is approved with a secondary condition, the beneficiary will not be entitled to the support until the secondary condition is fulfilled. If the secondary condition is properly fulfilled, the relevant information will be added to the decision to approve the application.

§ 18. Amendment and annulment of decision to approve application

(1) EIS will amend the decision to approve the application on its own initiative or on the basis of a digitally signed request from the beneficiary.

(2) Before deciding on the amendment of the decision to approve the application, EIS checks the relevance and necessity of the amendments and, if necessary, assesses the impact of the amendment against the evaluation criteria, involving experts or an evaluation committee if necessary.

(3) EIS has the right to refuse to amend the decision to approve the application if the requested amendment does not contribute to the achievement of the project’s objective and the result set forth in

§ 4.

(4) EIS shall decide on the amendment of the decision to approve an application within 20 business days of receiving the application.

(5) The decision to approve an application may be amended retroactively if it helps to achieve the result set forth in § 4 and the project objective and the amendment is founded.

(6) EIS may declare a decision approving an application fully or partially invalid in the following cases:
1) a circumstance becomes evident in the case of which the application would not have been approved;
2) incorrect or incomplete information has been provided when applying for the support or carrying out the project;
3) the beneficiary fails to comply with a secondary condition laid down in the decision to approve the application;
4) the application for amendment of the decision approving the support application is rejected and the beneficiary is unable to continue using the support under the conditions laid down;
5) the beneficiary submits an application for waiving the use of the support.

(7) The beneficiary must repay the support received if a decision to partially or fully withdraw the decision approving the support is made.

Chapter 4
Submission of reports and payment of support

§ 19. Submission of reports related to use of support

(1) The dates for the submission of interim and final reports and the periods for interim reports are established in the decision approving the application. The reporting period is six months.

(2) An interim report must include an overview of the implementation of the activities, an assessment and data on the progress of the activities in the reporting period and an overview of the achievement of the results.

(3) The final report must include an overview of the implementation of the project activities and an assessment of the results achieved during the eligibility period.

(4) EIS approves the interim and final report or returns it for completion within 30 working days of submission.

(5) EIS may involve an evaluation committee or experts in making an evaluation of the interim and final report.

(6) The beneficiary of support shall submit, at the request of EIS and within three years after the end of the project, a post-project report aimed at evaluating the impact of the project and the measure.

§ 20. Payment of support

(1) The support is paid to the beneficiary in accordance with the terms and conditions laid down in the decision approving the application, once the eligible costs have been incurred and paid in full or in part by the beneficiary.

(2) The beneficiary shall submit a payment request to EIS no more frequently than once in a quarter.

(3) If the beneficiary has paid the eligible costs up to the amount of its self-financing, they shall submit

to EIS a document certifying payment of the entire amount within 10 calendar days of the date of receiving the support for the respective costs. In the event of non-compliance with this obligation, EIS may suspend the processing of the next payment request and request that the support be returned.

(4) The final payment is made after the project activities have been carried out and the final report has been approved.

(5) EIS processes a payment request for up to 30 working days.

(6) EIS may check the costs statements on site at the beneficiary's premises.

(7) If, during the processing of a payment request or a related costs statement, a shortcoming is identified which can be eliminated, EIS shall set a time limit for eliminating the shortcoming, by which the processing time of the payment request shall be extended.

(8) EIS may make a decision to refuse to pay out the support either in part or in full if:
1) the costs statement submitted does not correspond to the requirements for the source document as set forth in the Accounting Act;
2) the activity supported was not carried out during the eligibility period of the project;
3) the underlying activity of the expense is not eligible for support or the expense is not eligible;
4) the beneficiary has not repaid the support subject to repayment;
5) the beneficiary is in breach of the terms and conditions of the Regulation or deviates from the provisions of the application or the decision approving the application in another manner.

Chapter 5
Rights and obligations of beneficiary and EIS, and recovery and repayment of support

§ 21. Rights and obligations of beneficiary

(1) The beneficiary has the right to obtain from EIS information and clarification on the requirements laid down in the legislation relating to the granting of the support and on the obligations of the beneficiary.

(2) The beneficiary is obliged to:
1) carry out the project activities correctly, ensure the management of the project and use the support in accordance with the provisions of the application and the decision approving the application;
2) ensure the prescribed self-financing;
3) create at least 20 new jobs meeting the requirements set out in subsection 4 (2) within one year after the end of the project and maintain these jobs for at least three years after the end of the project;
4) ensure that the costs of the project supported and the costs statements and payment documents recognising them can be clearly distinguished from the beneficiary's other costs statements and payment documents in their accounting;
5) keep the assets acquired with the support for at least five years after the end of the project's eligibility period;
6) provide the information requested to EIS within 10 working days of receipt of the request, unless EIS has set a different deadline;
7) inform EIS in writing of any change in the beneficiary's shareholder or member of its management body with the right to make important decisions, even if the change is recorded in the Commercial Register;
8) allow the person carrying out the checks on the use of the support access to the property and premises involved in the implementation of the project;
9) provide all necessary assistance for the audit and inspection within the time limits set;
10) ensure the existence of all permits and approvals necessary for carrying out the project required by legislation;
11) retain the documentation related to the application, the support and the implementation of the

project for ten years as of the last payment of the support;
12) immediately inform EIS in writing of any changes in the information provided or any circumstances that affect or may affect the beneficiary's ability to meet its obligations, to achieve the results set and to continue with the implementation of the project activities;
13) stick to the project budget;
14) ensure compliance with the requirements of the Building Code in design and construction;
15) show that it is a support by using the means published on the EIS website.

§ 22. Rights and obligations of EIS

(1) EIS has the right to:
1) request the submission of additional data and documents on the duration, activities, objectives, results and expenses of the project;
2) review the costs statements and the implementation of the project activities at the premises of the beneficiary, be present at the premises and on the territory of the beneficiary and check the data, documents and other materials relating to the use of the support;
3) check the use of the support and self-financing;
4) suspend the payout of the support if the beneficiary breaches the terms and conditions of the Regulation or otherwise deviates from the provisions of the application or the decision to approve the application;
5) suspend payouts of the support until the final repayment of the amount to be recovered;
6) refuse to pay the support if the beneficiary's economic situation has deteriorated to such an extent that the intended use of the support or implementation of the project is compromised.

(2) EIS is obliged to:
1) make the application and reporting forms and guidance materials available to applicants and beneficiaries in the e-support environment or on its website;
2) after the decision to approve the application has been made, publish on its website the name of the beneficiary, the name of the project receiving the support, the amount of the support, the total cost of the project and the date on which the decision to approve the application was made;
3) not disclose any information or documents obtained in the course of the processing of the application, except information which must be disclosed in accordance with clause 2;
4) check the implementation of the project and use of the support;
5) collect and submit to the Ministry of Economic Affairs and Communications data and information on the implementation of the Regulation and participate in the impact assessment at the end of the projects;
6) inform the Ministry of Economic Affairs and Communications of any obstacles to the implementation of the Regulation;
7) keep the documents relating to the grant of the support for 10 years after the date of the last payment.

§ 23. Recovery and repayment of support

(1) EIS will make a discretionary decision to recover all or part of the support in the following cases:
1) the support has been paid to reimburse an ineligible expense;
2) the beneficiary has fully or in part failed to comply with an obligation or a requirement laid down in this Regulation or in the decision approving the support;
3) the beneficiary is the subject of liquidation, compulsory dissolution or bankruptcy proceedings or has been declared bankrupt;
4) a circumstance becomes evident in the case of which the application would not have been approved.

(2) The beneficiary must repay the support within 60 calendar days of the date on which the recovery decision takes effect.

(3) The support to be recovered may be offset against the support payable within the scope of the same

project.

(4) EIS may defer the repayment of the support at the request of the beneficiary.

(5) In order to defer the repayment of the support, the beneficiary will submit an application setting out the reasons for the need for deferral and the desired schedule for the repayment. The beneficiary will provide, at the request of EIS, supporting documents proving its financial situation.

(6) EIS will make the decision granting or denying the request for deferral within 10 working days of receiving the request for deferral. In justified cases, the time limit for making a decision may be extended by a reasonable period of time after informing the beneficiary.

(7) The repayment of the support may be deferred for up to 12 calendar months from the date of the decision granting the request for deferral. If necessary and justified, the EIS may, in agreement with the Ministry of Economic Affairs and Communications, set a longer repayment period.

(8) The decision granting or rejecting the request for deferral may be made with the decision to recover the support.

(9) If the beneficiary fails to pay the instalments in accordance with the deferral schedule, EIS may revoke the decision to defer the repayment of the support and request that the beneficiary repay the support within 30 calendar days of the date on which the decision takes effect.

(10) The decision on the recovery of the support and on the approval of the application for deferral and the decision on cancellation shall be communicated to the beneficiary within three working days of the date of the decision in the manner provided for in Articles 26–29 of the Administrative Procedure Act.

(11) The decision to recover the support may be made within three years of the complete performance of the last obligation of the applicant.

(12) Unlawful and misused state aid shall be recovered on the grounds and in accordance with the procedure laid down in § 42 of the Competition Act.