



# Financial instruments - opportunities offered by the 2014-2020 framework

Key novelties and Commission guidance  
Ljubljana, 21 January 2016

## 2014-2020 framework

- Performance oriented legal framework to **promote the use** of financial instruments (FI)
- Financial instruments are a **delivery mode – not an objective**
- **Not all projects (investments) can be supported with FI.** The activity must be generating income/revenue/cost savings in order to ensure repayment of investment
- **Decision** to deliver OP/RDP support through FI is with the **managing authority (MA)**

# 2014-2020 framework

## Key novelties (1)

- **Single comprehensive legal framework** for all ESI Funds (common interpretation/guidance)
  - **CPR title IV on FIs** (9 extensive articles and annexes), **DA/IA**,
  - Some elements included in 2007-2013 in COCOF note become **legally binding in 2014-2020**
  - **FI definitions:** operation, beneficiary, final recipient, financial instrument, escrow account, fund of funds
  - **State aid** (frequent references in title IV, compliance required for MA/FoF/FI and final recipient)
- **Wider scope:** Expansion to **all thematic objectives & priorities** foreseen by ESIF OPs/RDPs (ERDF, ESF, Cohesion Fund, EAFRD, EMFF).

# 2014-2020 framework

## Key novelties (2)

- **Ex-ante assessment to be carried out** before programme contribution to FI operation under the ESIF
- **Incentives regarding EU co-financing rates**
- **Phased payments to FIs** (c.f. guidance note)
- **More detailed rules concerning**
  - eligible expenditure at closure,
  - the (re-)use of interest/other gains and ESIF resources returned during the programming period,
  - the use of interest/other gains and ESIF resources returned after closure (legacy)

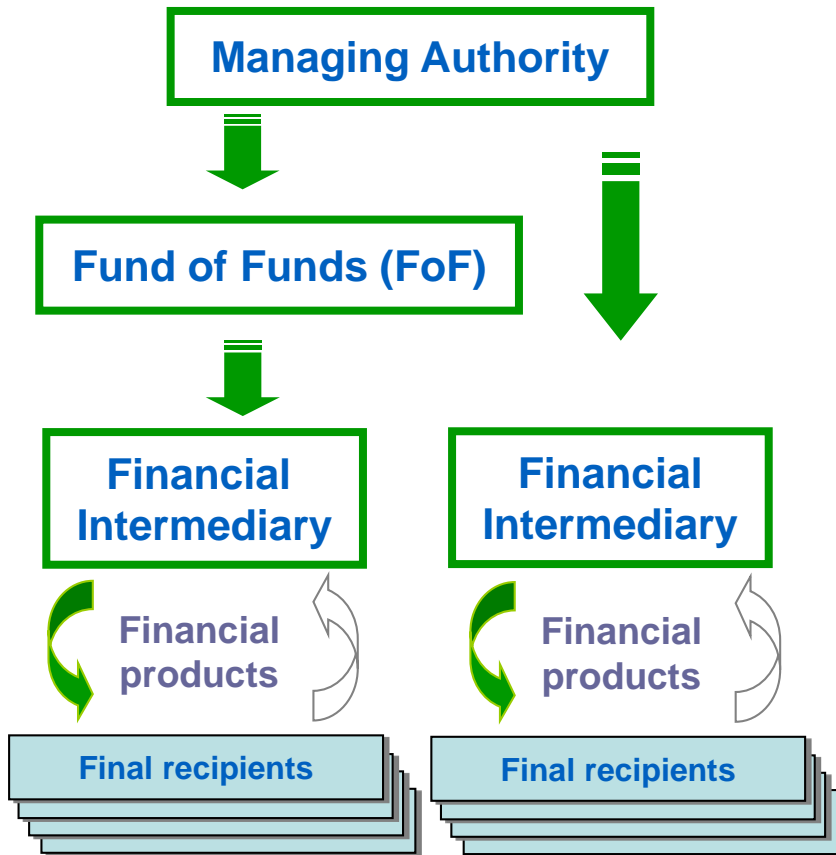
## 2014-2020 framework

### Key novelties (3)

- **Annual reporting by MAs**
  - MA to report on FI operations annually on a more comprehensive set of data, Commission to publish annual summary report on the basis of data received
  
- **Implementation options**
  - 1) Traditional implementation possible: MA sets up a FI at national, regional, transnational or cross-border level
    - Tailor-made instruments
    - Standardised “off-the-shelf” instruments
  - 2) MA can contribute OP/RDP allocation to EU level instrument
  - 3) MA can implement loans or guarantees directly (or through intermediate body) without formal set-up of a fund

# 2014-2020 framework

## Implementation options



### Traditional implementation:

- MA sets up a FI at national, regional, transnational or cross-border level
- FI can be implemented with **FoFs and without FoFs**
- MA can: invest in capital of legal entity or entrust implementation

### Novelty:

- **Off-the-shelf instruments** with standard conditions to facilitate the set-up phase (State aid compliant from the onset)

# 2014-2020 Commission guidance

## ➤ Guidance notes

- complementary to short guidance
- covering all issues relevant to MA/fund managers
- developed systematically
- designed to be "living" documents (section on Q&A)

# Guidance notes: state of play

(guidance notes in today's presentation are marked in bold)

## *Finalised*

- Short guide for MAs
- **Glossary**
- **Ex-ante assessment**
- **Working capital**
- **Payments**
- Difference between FIs and repayable assistance
- **Combination of support**

## *Forthcoming guidance*

- **Management costs and fees** (text finalised, to be shared with MS very soon)
- Selection of bodies implementing FIs
- Treasury management
- Preferential remuneration of private investor
- ESIF/EFSI complementarities
- Eligibility in FIs
- Implementation options under Art. 38(1)(b)
- Annual reporting on FIs



# 2014-2020 Commission guidance

## Glossary

- The glossary contains for the moment only the **basic definitions from the CPR and Financial Regulation** in relation to financial instruments
- The glossary will develop over time. It will be completed once all the guidance notes are prepared.
- All the definitions and concepts developed in guidance notes will be added to the glossary

## 2014-2020 Commission guidance Ex-ante assessment

- **Objective:** evidence based decision making
- **Requirement:** legal obligation and tool to support implementation
- **Completion:** before any programme contribution made to FI
- **Next steps:** submission to the programme monitoring committee and publication
- **Process:** raises awareness and ensures stronger ownership



## 2014-2020 Commission guidance Working capital (1)

Support for working capital in enterprises **is eligible** as a means of support to enterprises through financial instruments within certain conditions.

Working capital is explicitly mentioned in Article 37(4) CPR but firmly embedded in the context of CPR rules, fund specific conditions and State aid.

1. Eligibility of working capital is not **generic** (CPR provisions! Fund specific rules! ESIF programme conditions!)
2. Support of working capital and its eligibility will be more **on a case by case basis**.

## 2014-2020 Commission guidance Working capital (2)

### Case by case assessment

- ESIF support for working capital in enterprises, as for any investment financing to enterprises through financial instruments, is subject to compliance with **two basic eligibility criteria**: the types of enterprise and seven support targets under Article 37(4)
- The fund manager will have to assess based **on the business plan** whether the investment proposed:
  - is potentially financially viable
  - the amount and proportion of working capital is justified in business and economic terms

# 2014-2020 Commission guidance

## Phased payments (1)

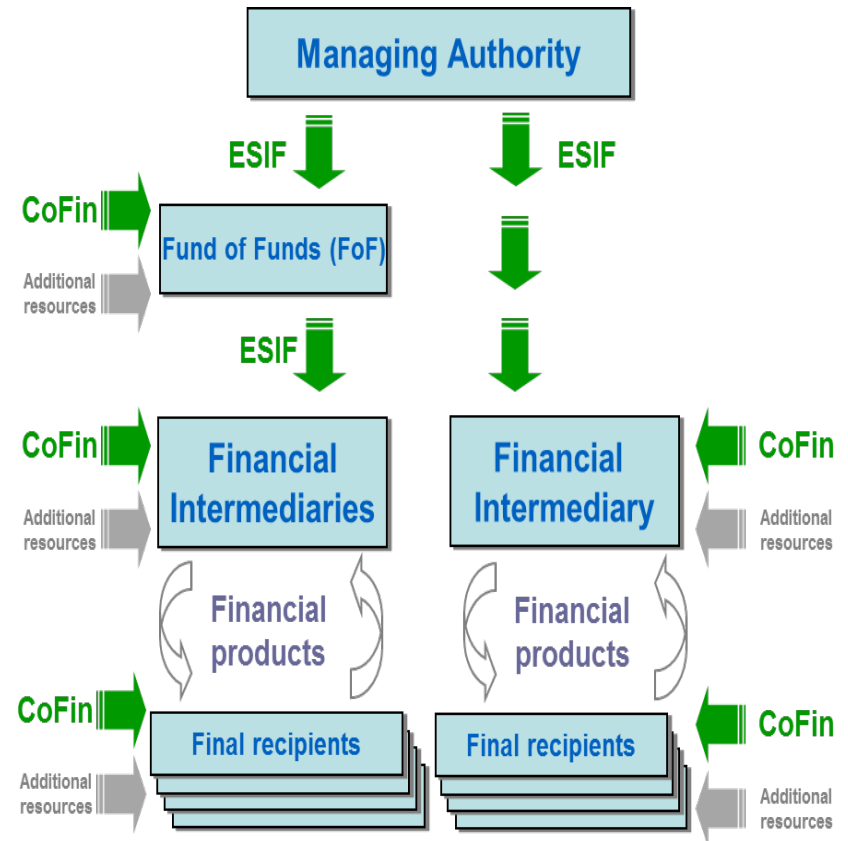
### Main concepts:

**1. ESIF programme contribution to financial instrument (ESIF contribution and national co-financing)**

**2. National co-financing at the level of FI operation**

- can be different than at PA level,
- can be private/public,
- can come at different levels: MA (e.g. regional budget), FoF (e.g. national resources), financial intermediary (e.g. own resources), or at the level of investment in final recipient (e.g. co-investment by business angel).

!!! Own contribution by final recipient does NOT count as national co-financing





# 2014-2020 Commission guidance

## Phased payments (2)

Main changes in relation 2007-2013 period:

- **phasing of max 25% of committed programme** amount in FA paid,
- **subsequent payments from Commission**  
subject to implementation on the ground  
(60% second application, 85% subsequent applications)
- **flexibility for national co-financing**

### **Applicability!**

- Formally MS –COM, but ..
- NOT for "SME initiative" and "FI directly managed by MA"

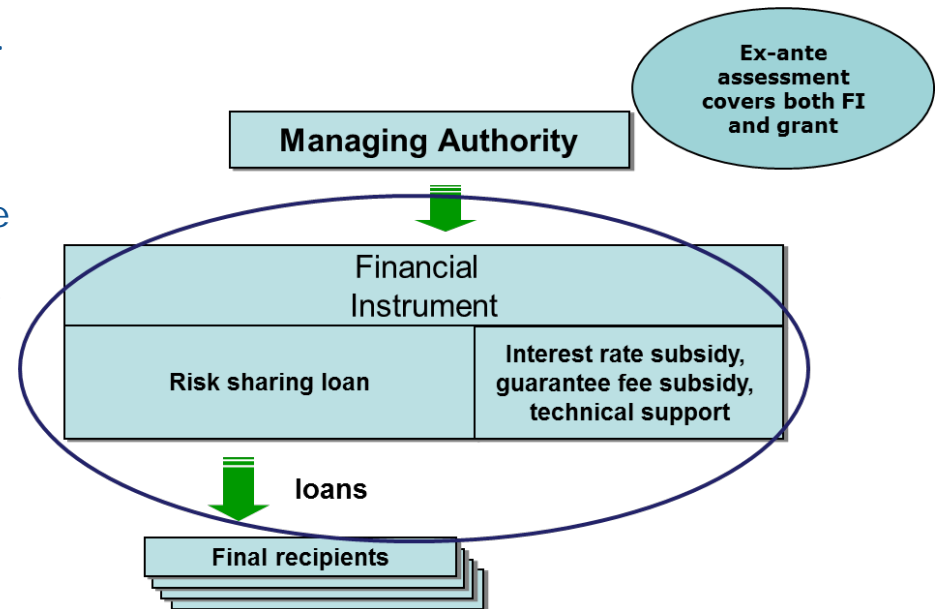
## 2014-2020 Commission guidance Combination (1)

- **Two types of combinations**, as provided for in 2007-2013, continue. However, the legal framework in 2014-2020 contains explicit provisions - CPR 37(7)(8)(9)
- The two types of combinations are envisaged also in Financial Regulation:
  - Combination of a grant and a FI within a **financial instrument operation**
  - Combination at the level of final recipient within two operations

## 2014-2020 Commission guidance Combination (2)

### Combination of a grant and a FI within a **financial instrument operation**

1. Grant is **directly related to financial instrument** targeting the same final recipients (interest rate subsidy, guarantee fee subsidy, technical support). **It is NOT a grant for the investment in final recipient.**
2. Grant and financial instrument constitute a **single operation**, which falls under the **provisions of Title IV** and is financed from the **same priority axis / measure** (and the same ESI Fund)
3. A contribution from MA to FI operation (covering both a FI and a grant) is justified and estimated in ex-ante assessment.
4. Compliance with State aid rules is needed.
5. For each form of support **separate records** have to be maintained.



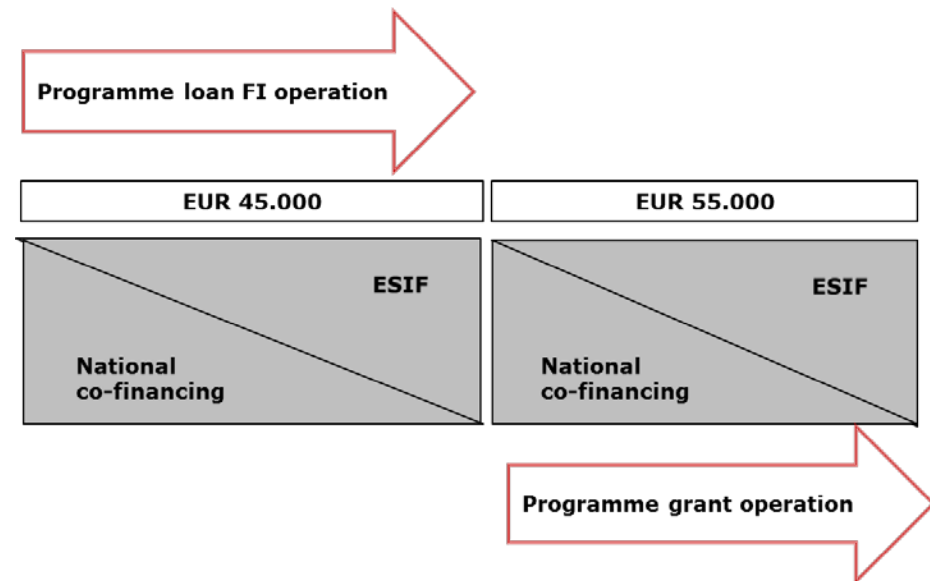


# 2014-2020 Commission guidance

## Combination (3)

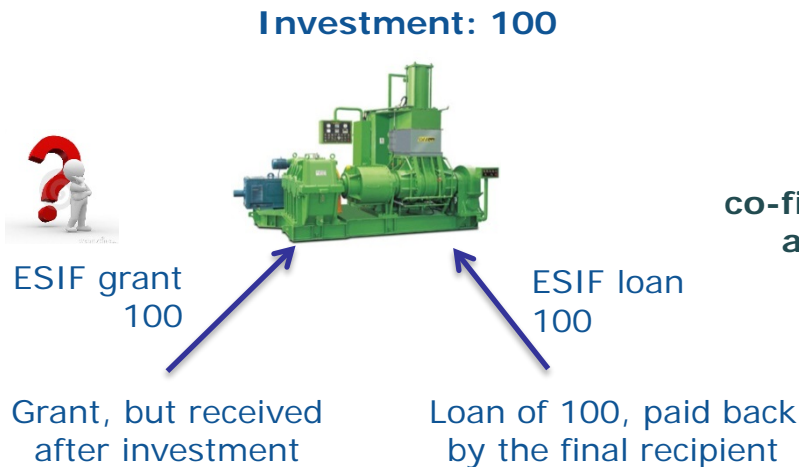
### Combination at the level of final recipient within two operations

1. **Combination** of support takes place at the level of final recipients ("beneficiary" in case of grants). The same body (enterprise) receives support from a grant and from a FI. Combination **can cover the same investment or even the same expenditure item**.
2. Combination results in **two separate operations** with distinct eligible expenditure.
3. The **sum of all forms of support  $\leq$  total amount of the expenditure** item concerned.
4. State aid rules have to be respected (e.g. on cumulation, on own contribution free from state aid by the beneficiary in regional aid)
5. **Grants cannot be used to reimburse support from FI.**
6. **FI cannot be used to pre-finance the grants.**

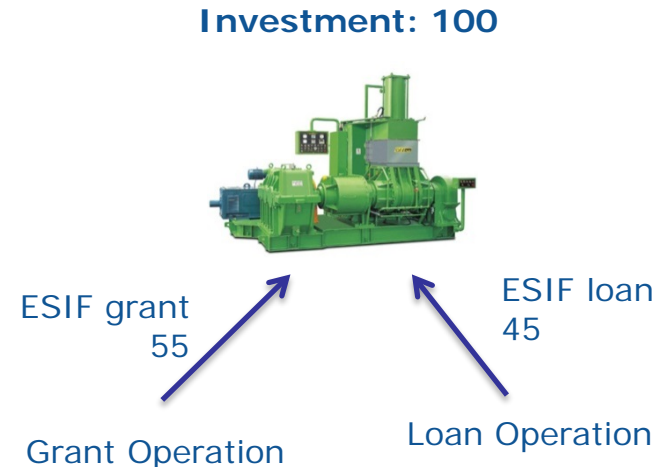


# 2014-2020 Commission guidance Combination (4)

## Combination at the level of final recipient within two operations



co-financing rate at PA 50%



- Not allowed by the Regulation** (see above)
  - Even if no over-financing with ESIF (because of the 50% co-financing rate) - double declaration of the same expenditure, and loan used to pre-finance a grant:**
- Eligible expenditure declared to EC:**
- Grant: 100
  - Loan: 100
- Total ESIF reimbursement:**  $(50\% * 100 + 50\% * 100)$  **100**



**Eligible expenditure declared to EC:**

- Grant: 55
- Loan: 45

**Total ESIF reimbursement:**  
 $(55 * 50\% + 45 * 50\%)$  **50**

# 2014-2020 Commission guidance

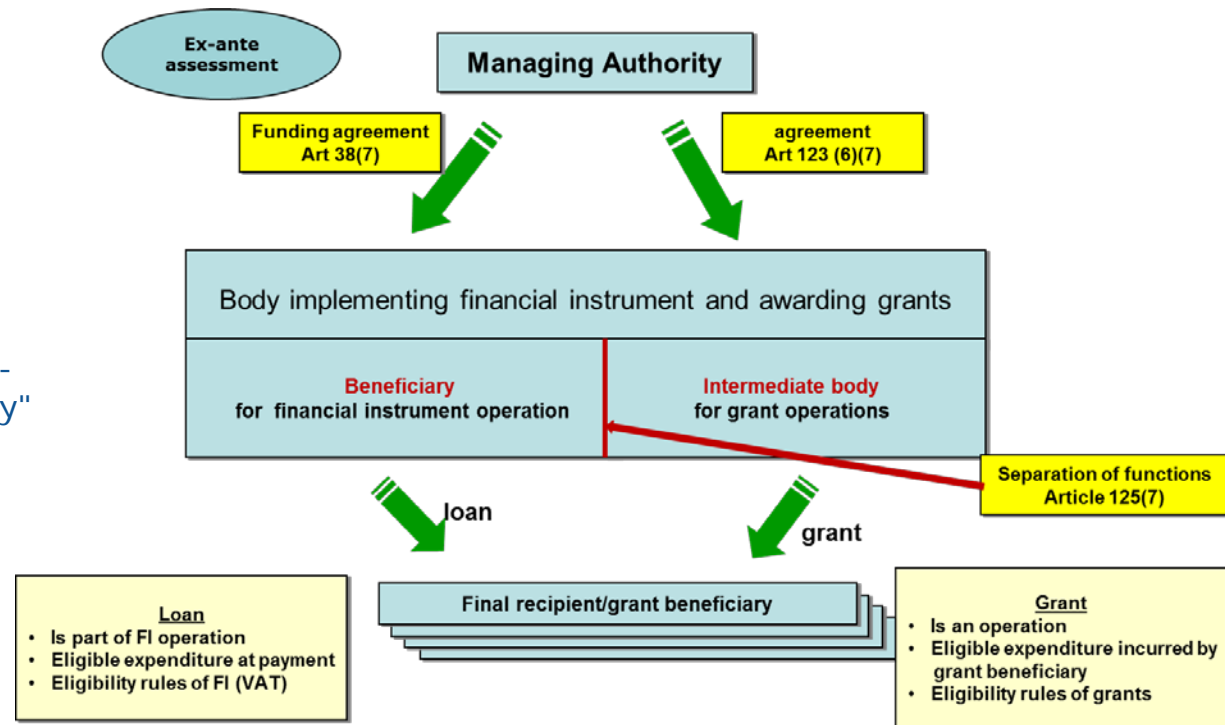
## Combination (5)

### Combination at the level of final recipient within two operations

In combination within two operations loan and grant can be given:

- **by the same body** (it will be "beneficiary" for FI and "intermediate body" in case of grant)
- **to the same body** (e.g. enterprise)- ("final recipient" for FI and "beneficiary" for grant)
- **for the same project** or even expenditure item (e.g. machinery)

**!!! NOT for the same eligible expenditure** (the same expenditure cannot be declared twice to COM) !!!





# **2014-2020 Commission guidance**

## **Management Costs and Fees/MCF (1)**

*Guidance Note under finalisation*

### **2007-2013**

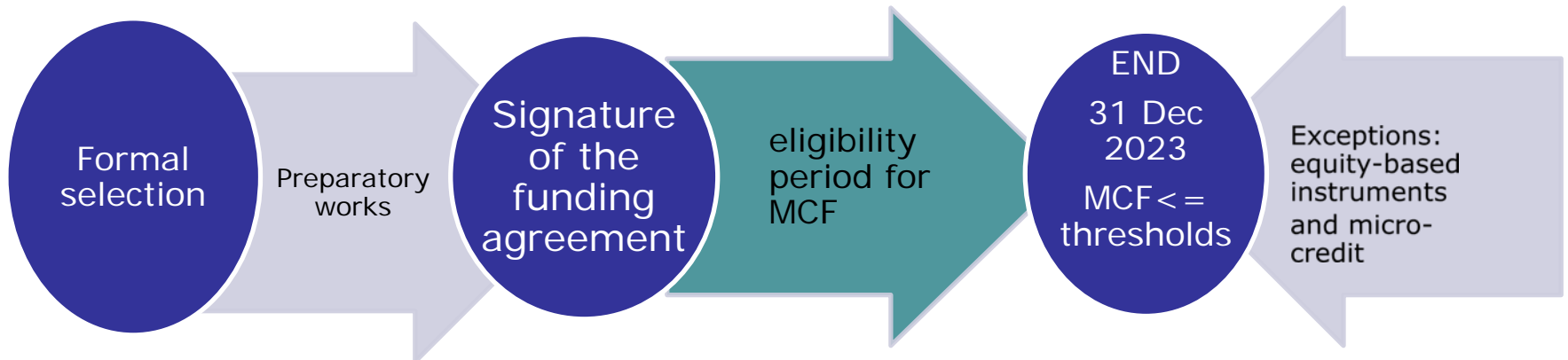
MCF calculated on the basis of the amounts contributed to the FIs = decoupled from disbursements to final recipients AND rather high limits

### **2014-2020**

- requirement for performance orientation
- new calculation of thresholds

## 2014-2020 Commission guidance Management Costs and Fees/MCF (2)

### Eligibility period



## 2014-2020 Commission guidance Management Costs and Fees/MCF (3)

### ➤ Eligible MCF

1. **At closure**, they should **not exceed** the amount calculated in accordance with CDR Art. 13 which is a sum of:
  - **base remuneration** (the basis is programme contribution to FI, the investments in final recipients are not relevant here)
  - **performance remuneration** (the basis are investments in final recipients)
2. **Different calculation of thresholds** in function of the **implementation options** (with or without a fund of funds) and **type of instrument**
3. The **amount** calculated **under point 1** is to be **capped** by a general threshold on the entire programme contribution

## 2014-2020 Commission guidance Management Costs and Fees/MCF (4)

### Eligible MCF

The **methodology** of calculation of eligible MCF does not apply if:

1. The **body implementing** the financial instrument **is selected through a competitive tender** which proves the need for higher MCF, or
2. **For equity** where the **majority of the capital invested** in financial intermediaries **is provided by private investors or public investors** operating under market economy principle and the programme contribution is provided *pari passu* with the private investors

**Higher MCF can be paid from non-ESIF resources**, e.g. from resources attributable to the support from ESI Funds programmes which are paid back from investments in final recipients, or from own resources (but state aid rules apply)

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Hvala lepa!

**Q&A**