

## **INNOVATION**

This Programme implements Priority Axis 4 “Innovation” of the Operational Programme Enterprise and Innovation 2007 – 2013.

The public support provided under this Programme complies with all the terms and conditions of Commission Regulation (EC) No. 1628 of 24 October, 2006 on the application of Articles 87 and 88 of the EC Treaty to national regional investment aid, or Commission Regulation (EC) No. 70/2001 of 12 January, 2001 on application of Articles 87 and 88 of the EC Treaty, as amended<sup>1</sup>, or Commission Regulation No. 68/2001 of 12 January, 2001 on application of Articles 87 and 88 of the EC Treaty to the de minimis aid,<sup>2</sup> and is compatible with common market within the meaning of Article 87(3) of the EC Treaty, and it is exempt from the notification requirement under Article 88(3) of the EC Treaty.

### **1. Objective of the Programme**

The objective of the Programme is to increase the innovation potential of the business sector by means of subsidies for the implementation of innovation projects of enterprises (especially SMEs) and for projects of public research institutions, universities, natural persons and SMEs related to protection of industrial property rights. Accomplishment of this objective shall strengthen long-term competitiveness, sustainable growth and balanced regional growth of Czech economy. With regard to sustainable growth the Programme focuses specially on the support of environmentally efficient innovations (eco-innovations).

#### **1.1. Fundamental provisions**

- a) The Managing authority is the Ministry of Industry and Trade of the Czech Republic, ([www.mpo.cz](http://www.mpo.cz)).

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<sup>1</sup> 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

<sup>2</sup> Will be amended upon publication of the Regulation in the EC Official Journal

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- b) The intermediate body for this Programme is the Investment and Business Development Agency – CzechInvest, organisation receiving contributions from the Ministry of Industry and Trade of the Czech Republic, with its seat at Štěpánská 15, 120 00 Praha 2, Czech Republic (hereinafter the “CI”), ([www.czechinvest.org](http://www.czechinvest.org)).
- c) The Programme is implemented based on calls, which will specify detailed Programme criteria.

### 1.2. Basic terms

- **Innovation project** under this Programme means a project focused on one of the following activities:
  - a) Improvement of technical and use values of products, technologies and services (product innovation).
  - b) Improvement of production processes and provision of service (process innovation).
  - c) Introduction of new methods of organizing company processes and cooperation with companies and public institutions (organisational innovation).
  - d) Introduction of new sales channels (marketing innovation).Applications for support of innovation projects will be accepted under an independent call INNOVATION – Innovation project.
- **Project on industrial property rights protection** under this Programme means a project focused on one of the following activities:
  - e) Activities focused on protection of industrial property rights to inventions (in the form of patents) and technical solutions in the form of utility models abroad and in the Czech Republic, and industrial designs or trademarks registered abroad.Applications for a subsidy for industrial property rights protection projects will be accepted under an independent call INNOVATION – Project on industrial property rights protection.
- **Small- and medium-sized enterprise** – an entrepreneur who complies with terms and conditions set by Commission Regulation (EC) No. 70/2001 on application of Articles 87 and 88 of the EC Treaty, to state aid to small- and medium-sized enterprises.<sup>3</sup>

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<sup>3</sup> Pursuant to Commission Recommendation 2003/361/EC of 6 May, 2003 regarding the micro-, small- and medium-sized enterprises, OJ. L 124, 20 May, 2003, p. 36.

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### **2. Supported Activities**

#### **2.1. Supported activities shall include:**

Supported activities are activities directed at implementation of innovation projects or projects on industrial property rights protection.

The support of innovation projects on activities under letters (c) and (d) of item 1.2 of the Programme is reserved for SMEs only and shall be allocated to projects implementing one of the activities listed under letters (a) and (b) of item 1.2 at the same time. Support of projects on industrial property rights protection (activities under letter (e) of item 1.2) is reserved for SMEs, public research institutions, universities and natural persons only.

#### **2.2. Supported activities shall not include:**

- Projects addressing research and development within the scope of Act No. 130/2002 Coll., on support of research and development.
- Projects focused on mere energy efficiency improvement and cutting energy consumption of the applicant for a subsidy.<sup>4</sup>
- Projects addressing mere modification of a product, change of technology, machinery and equipment or improvement of production efficiency.
- Projects addressing activities oriented on protection of industrial property rights to technical solutions in the form of utility models, unless the registration of the utility model is complemented by registration of an invention. Activities addressing protection of industrial property rights in the form of industrial designs and trademarks valid only within the Czech Republic shall not be supported either.

### **3. Beneficiary of a Subsidy**

- Entrepreneur within the scope of this Programme is a subject in accordance with S. 2(2)(a) of the Commercial Code.
- Subsidy for large enterprises under this Programme shall be allocated provided these enterprises are not a multinational corporation or part thereof.
- The entrepreneur shall be registered as an income tax payer with the tax office in accordance with S. 33(1) of Act No. 337/1992 Coll., on administration of taxes and fees, as amended, for the period of at least two completed tax periods prior to the date of application for a subsidy.

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<sup>4</sup> These activities are supported under the Programme Eco-Energy (under OPEI).

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The following subjects may also be the beneficiaries of a subsidy for projects on industrial property rights protection:

- Public research institution established in accordance with Act No. 341/2005 Coll., on public research institutions, as amended.
- University and other institutions of tertiary education operating in accordance with Act No. 111/1998 Coll., on universities, as amended.
- Natural person (independent originator) fully eligible for legal transactions, who is a citizen of the Czech Republic.

### **4. Programme Criteria**

#### **4.1. Formal eligibility criteria of a project:**

- a) The project shall be implemented in the Czech Republic, outside the territory of the Capital City of Prague. For projects addressing the industrial rights protection, the seat of the beneficiary or the address of the facility of the beneficiary under whose activity the object of the industrial rights protection originated, is decisive for the location of the project implementation.
- b) In case of an innovation project the beneficiary shall demonstrably prove his/her title or other rights to buildings and land plots where the project will be implemented. The method and deadline required to prove such ownership or other rights shall be specified by the Managing authority in the respective call.
- c) The project shall contain all mandatory elements specified in the call for submission.
- d) The project does not violate the horizontal policies of the EU and their basic principles, particularly:
  - Equal opportunities of men and women,
  - Sustainable development.

#### **4.2. Other criteria**

- a) The subsidy shall be provided to the beneficiary based on a Decision to Provide Subsidy issued by the Managing authority (hereinafter the "Decision"), containing also the binding Terms and Conditions of Subsidy Provision (hereinafter the "Terms and Conditions").

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- b) The beneficiary shall keep separate records and documents on eligible project expenditure and on the use of the subsidy intended for the funding of the eligible expenditure as stipulated in the Terms and Conditions of the Decision to Provide Subsidy and keep it for a period of 10 years following the date of closure of the project,<sup>5</sup> and at the same time for a period of at least three years following the closure of the OP Enterprise and Innovation (anticipated in 2020) in compliance with Article 90 of Council Regulation (EC) No. 1083/2006. All beneficiaries will be informed of the closing date of OP Enterprise and Innovation.
- c) The beneficiary shall own the tangible and intangible fixed assets, the purchase cost of which is included in eligible expenditure for a period of five years from the date of the closure of the project; or for a period of three years in the case of SMEs.
- d) The beneficiary may not be an entrepreneur, if, as at the date of submission of the application, s/he is the beneficiary to rescue and restructure a firm in difficulty as specified in the Community guidelines on state aid for rescuing and restructuring firms in difficulty, Communication from the Commission No. 2004/C 244/02; this shall not apply to small entrepreneurs.
- e) The subsidy is paid out to the beneficiary retroactively upon the termination of the project, or upon termination of a particular phase of the project, provided that the terms and conditions of the Decision are observed.

### **4.3. Eligible expenditure**

#### **4.3.1. Eligible expenditure shall comply with the following criteria:**

- Shall be expended in accordance with the objectives of the Programme and immediately related to the project implementation;
- Shall be expended no earlier than on the date of eligibility of a project;<sup>6</sup>
- Shall be demonstrably paid by the beneficiary before it is discharged from the Structural Funds, unless stipulated otherwise in the call;
- Shall be supported by conclusive evidence, paid to suppliers, property may not be acquired by means of capitalization.

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<sup>5</sup> The project closure date shall be the date when all terms and conditions set by the Decision on subsidy allocation have been fulfilled.

<sup>6</sup> The eligibility date of a project shall be the date when the provider or the relevant agency confirms in writing to the applicant that in principle s/he complies with the eligibility criteria of the given Programme.

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### **4.3.2. The eligible expenditure shall include:**

- Long-term tangible assets;
- Long-term intangible assets;
- Operational costs (in case of entrepreneurs only for SMEs);
- Costs of project publicity.

The eligible expenditure of a project shall be further specified in particular calls.

### **4.3.3. The eligible expenditure of a project shall not include:**

- Costs of acquisition of used machinery and equipment, including information and communications technologies (ICT);
- VAT, provided that the beneficiary is a VAT payer;
- Loan and credit instalments;
- Sanctions and penalties;
- Costs of guarantees, insurance policies, interests, bank fees, exchange losses, and custom fees.

## **4.4. Sectoral classification**

### **4.4.1. Sectoral classification for innovation projects**

Support shall be provided to projects whose outputs will develop in industries defined in sections CZ-NACE 10, 11, 13-33, 38.32, 58, 59.20, 60, 62, 63.1, 71.2, 95.1 (except CZ-NACE 19.10 and 30.11).

Support shall not be granted to projects whose outputs will impact any of the following sectors:

- Building and repairing of ships (section CZ-NACE C 30.11)
- Artificial fibres industry (industries defined in Annex 1 of the Programme)
- Manufacture of coke oven products (sections CZ-NACE B 05, C 19.1)
- Steel industry (industries defined in Annex 2 of the Programme)
- Agriculture, fishing, aquaculture (sections CZ-NACE A 01, A 02, A 03)
- Manufacture, processing and marketing of products as listed in Annex I of the EC Treaty (products listed in Annex 3 of the Programme)

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### 4.4.2. Sectoral classification of projects addressing the industrial property rights protection

Projects addressing the industrial property rights protection do not include any sectoral restrictions above the scope of the Commission Regulation stipulated in the first paragraph of this Programme.

Support shall not be granted to projects whose outputs will impact any of the following sectors:

- Purchase of transport equipment in transport industry
- Manufacture of coke oven products (sections 10 a 23.1 NACE)
- Fishing and aquaculture (section 05 NACE)
- Primary production of products listed in Annex I of the EC Treaty (products listed in Annex 3 of the Programme)

### 5. Form and Amount of the Support

- a) Support is provided in the form of a subsidy.
- b) The subsidy for innovation project:

Subsidy for eligible costs incurred in relation to the implementation of activities under item 1.2(a) and (b) is allocated in the amount of CZK 1-75M, for regions with concentrated state support<sup>7</sup>, a subsidy up to CZK 150 million is granted, however, the maximum amount is limited by the percentage of eligible expenditures that are specified by the regional map of public aid intensity (see below).

Subsidy for eligible costs incurred in relation to the implementation of activities under item 1.2(c) and (d) is allocated in the amount of CZK 2M; at the most in the amount of proportional restrictions for eligible costs as set by the Regional Map of State Aid Intensity.

- c) The subsidy for project on industrial property rights protection:

Subsidy for eligible costs incurred in relation to the implementation of activities under item 1.2(e) is allocated in the amount of CZK 10-300 thousand; up to 75% of eligible costs for a project implemented by a public research institution or university; and up to 45% of eligible cost for projects implemented by SME. In case of cooperation of SME with university and/or public research institution with the share of the relevant industrial property rights of the university and/or public research institution amounting to at least 10%, the proportional restriction for SME is increased to 55% of eligible costs of the project.

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<sup>7</sup> The definition of regions with concentrated state support is an annex to the call.

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- d) Subsidy for advisory and expert services and studies is provided up to 50% of eligible costs of the above-mentioned services provision. For projects addressing the industrial property rights protection the costs of services of authorized representatives are eligible in the maximum amount to be specific in individual calls.
- e) Subsidies for special trainings are provided up to 45% of the eligible costs.

A subsidy covered by the block exemption for domestic regional support shall be governed by the Regional Map of State Aid Intensity and it shall not exceed:

<b>NUTS II region</b>	<b>Small-sized enterprise</b>	<b>Medium-sized enterprise</b>	<b>Large enterprise</b>
Central Moravia, Northwest, Central Bohemia, Moravia- Silesia Northeast, Southeast	60%	50%	40%
Southwest 1 January, 2007-31 December, 2010	56%	46%	36%
Southwest 1 January, 2011-31 December, 2013	50%	40%	30%

### 6. Project Selection

#### 6.1. Selection criteria

Selection criteria including evaluation methodology shall be stipulated by the call.

#### 6.2. Project selection method

Project selection and evaluation shall be performed based on the criteria specified by the Managing authority. The OPEI Managing Authority (MIT) shall decide on the provision of a subsidy based on Government Resolution No. 175/2006. Further details shall be specified in the call.

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### **7. Participation in Other Support Programmes**

The eligible expenditure of a project supported under this Programme shall not receive any other state aid, i.e. the state aid as defined under Article 87 of the EC Treaty.

### **8. Duration of the Programme**

The Programme shall be implemented in the period 2007-2013. It will be implemented based on calls which will be published at the website of the Managing authority (MIT) and of CzechInvest. Individual calls will be announced separately for projects implementing activities under item 1.2(a) to (d) (call INNOVATION – Innovation project) and for projects implementing activities under item 1.2(e) (call INNOVATION – Project on industrial property rights protection). The Managing authority reserves the right to suspend the Programme or terminate it prematurely.

### **9. Details of an Application for Subsidy and its Submission**

Applications for subsidy are submitted separately for innovation projects and for projects on industrial property rights protection based upon individual calls. The method of submission of an application and its essential elements shall be stipulated by the call.

### **10. Sanctions for Violation of Programme Criteria**

Sanctions for violation of the Programme criteria are stipulated in the Terms and Conditions of a Decision to Provide Subsidy.

### **11. Other Provisions**

The Managing authority makes the decision on the final subsidy amount.

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### **Annex 1 of the Programme**

#### ***Manufacturing of man-made fibers***

For the purpose of the Programme, the industry of man-made fibres manufacturing means:

- a) Extrusion and crimping of all types of spun and filament yarns based on polyester, polyamide, acryl and polypropylene, irrespective of their application, or
- b) Polymerisation, including polycondensation, if it is a part of extrusion, or
- c) Any follow-up complementary process to introduction of extrusion or camping technology by the applicant or other enterprise falling within the same group of companies and which is usually part of yarn extrusion and crimping for that particular business activity.

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### Annex 2 of the Programme

Definition of sectors and products not entitled to aid

**Agriculture, fishing, aquaculture** – NACE A 01, A 02, B 05

**Manufacture of coke oven products** – NACE CA 10, D 23. 1 (production of coke oven products)<sup>8</sup>

**Manufacture of steel:**

For the purposes of this Programme manufacture of steel shall mean the following activities related to the manufacturing of the following goods from steel:

**Name of goods**

Item in customs tariff

**Pig iron and spiegleisen in pigs, blocks or other primary shapes**

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, in lumps, pellets or similar forms; iron having a minimum purity by weight of 99.94%, in lumps, pellets or similar forms**

7203

**Iron and non-alloy steel in ingots or other primary forms (except for iron of heading 7103)**

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 or non-alloy steel, of a width of 600 mm or more, hot-rolled, not clad, plated or coated

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;

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<sup>8</sup> The definitiv is based on Council Regulation (EC) No. 1407/2002 on state aid to the coal industry.

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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 or non-alloy steel**

### **Other bars and rods of iron or non-alloy steel, not further worked than forged, hotrolled, hot-drawn or hot-extruded, but including those twisted after rolling**

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 in ingots or other primary forms; semi-finished products of stainless steel**

7218 10 00; 7218 91 11; 7218 91 19; 7218 99 11; 7218 99 20

### **Flat-rolled products of stainless steel, of a width of less than 600 mm**

### **Flat-rolled products of stainless steel, of a width of 600 mm or more**

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, hot-rolled, in irregularly wound coils, of stainless steel

7221 00; 7222 11;

### **Other bars and rods of stainless steel; angles, shapes and sections of stainless steel**

7222 19; 7222 30 10; 7222 40 10; 7222 40 30

Flat-rolled products of other alloy steel, of a width of 600 mm or more

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;

Flat-rolled products of other alloy steel, of a width of less than 600 mm

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

Bars and rods, hot-rolled, in irregularly wound coils, of other alloy steel

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Other alloy steel in ingots or other primary forms; semi-finished products of other alloy steel

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;

**Other bars and rods of other alloy steel; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel**

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

Sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements; welded angles, shapes and sections, of iron or steel

7301 10 00

Railway or tramway track construction material of iron or steel, the following: rails, checkrails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialised for jointing or fixing rails

7302 10 31; 7302 10 39; 7302 10 90; 7302 20 00; 7302 40 10; 7302 10 20

**Tubes, pipes and hollow profiles, of cast iron**

7303;

**Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel**

7304

***Welded tubes and pipes, having circular cross-sections the external diameter of which exceeds 406.4 mm, of iron or steel***

7305

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### Annex 3 of the Programme

Annex I to the EC Treaty – manufacturing, processing a marketing of the products specified in Annex I to the EC Treaty are excluded from the Programme

Number in nomenclature	Name of goods
<b>Chapter 1</b>	Live animals
<b>Chapter 2</b>	Meat and edible offal
<b>Chapter 3</b>	Fish, crustaceans and molluscs
<b>Chapter 4</b>	Milk and dairy products; birds' eggs; natural honey
<b>Chapter 5</b>	
05.04	Animal guts, bladders and stomachs (other than fish), whole and parts
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption
<b>Chapter 6</b>	Cut flowers and flower products
<b>Chapter 7</b>	Vegetables, edible plants, roots and tubers
<b>Chapter 8</b>	Edible fruit; skins of citrus and melon
<b>Chapter 9</b>	Coffee, tea, spices, other than maté (number 09.03)
<b>Chapter 10</b>	Cereals
<b>Chapter 11</b>	Mill products: malt, starch, gluten, inulin
<b>Chapter 12</b>	Oil seeds and oleaginous fruits; various seeds and fruits, industrial and medicinal plants; straw and fodder crops
<b>Chapter 13</b>	
ex 13.03	Pectin
<b>Chapter 15</b>	
15.01	Lard and other rendered pig fat; rendered poultry fat
15.02	Unrendered fats of bovine cattle, sheep or goats; tallow (including "premier jus") produced from those fats
15.03	Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way
15.04	Fats and oils of fish and of sea mammals, whether or not refined
15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified

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15.12	Animal or vegetable fats and oils, hydrogenated, whether or not refined, but not further prepared
15.13	Margarine, artificial pig fat and other processed fats
15.17	Waste after processing animal fats or animal or plant waxes
<b>Chapter 16</b>	Prepared meat, fish, crustaceans or molluscs
<b>Chapter 17</b>	
17.01	Beet sugar and cane sugar, solid
17.02	Other sugars; sugar syrups; artificial honey (also mixed with natural honey); caramel
17.03	Molasses, also decolourized
17.05	Aromatized or colourized sugars, syrups and molasses (including vanilla sugar or vanillin), excluding fruit juices with sugar additives in any ratio
<b>Chapter 18</b>	
18.01	Cocoa beans, whole or broken, raw or roasted
18.02	Cocoa shells, husks and other cocoa waste
<b>Chapter 20</b>	Preparations from vegetables, edible plants, fruit or other parts of plants
<b>Chapter 22</b>	
22.04	Grape must in fermentation, or with fermentation arrested otherwise than by the addition of alcohol
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol
22.07	Other fermented drinks (apple, pear, mead)
ex 22.08	Ethyl alcohol denatured or undenatured, of any strength,
ex 22.09	made from agricultural products listed in Annex I to the EC Treaty, excluding spirits, liqueurs and other spirituous beverages and compound alcoholic preparations (known as "concentrated extracts") for the manufacture of alcoholic beverages
22.10	Table vinegar and its substitutes
<b>Chapter 23</b>	Rests and wastes in food industry; processed fodder
<b>Chapter 24</b>	
24.01	Unmanufactured tobacco, tobacco refuse

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### Chapter 45

45.01 Unworked natural cork, cork refuse; granulated or ground

### Chapter 54

54.01 Flax, raw or processed but not spun; flax tow and waste  
(including pulled or garneted rags or ropes)

### Chapter 57

57.01 True hemp (*Cannabis sativa*) raw or processed but not spun;  
tow and waste of true hemp (including pulled or garneted  
rags or ropes)

*(Note: concerns partially NACE D 15, 17, 24 (bio-ethanol), G 51.11, 51.17, 51.2, 51.3, 52.1, 52.2, 52.48 –wholesale, retail)*