



European Union
European Social Fund
Investing in jobs and skills



Leading learning and skills

COMPANY QUESTIONNAIRE

This form has three parts.

Part 1: needs to be completed by the employer in order to establish basic eligibility for ESF support and a de minimis exemption under the EU State Aid regulations.

Part 2: needs to be completed by the provider to establish that the proposed training activity is eligible for support in respect of the Employer Responsiveness specification.

Part 3: Brief explanation of de minimis

HOW TO USE THIS FORM

The first part of the questionnaire must be completed by the SME and signed by the company representative. This provides the company data required to determine SME status and whether the State Aid de minimis exemption can be applied – *There is a brief explanation of de minimis at Part 3.*

The second part of the questionnaire must be completed and signed by the Provider once they are satisfied with the eligibility information provided in both parts and any referrals required to the LSC have been completed

This questionnaire once completed must be retained by the Lead Partner (LSC Contract Holder) as evidence that the status of the organisation being assisted as a micro/small or medium sized enterprise (SME) has been confirmed and that activity is eligible for ESF support.

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PART 1: Company Level Data Capture Form (de minimis)

To be completed by the company.

1 What is your company name?			
2 What is your company's registered address?			
			Postcode:
3 Contact Details	Name of contact:		
	Tel No:	E-mail:	

ESF support is primarily for Small Medium Enterprises (SME's). Questions 4 to 5 are intended to identify whether or not a company is an SME. Where respondents are unsure, clarification and evidence should be sought and submitted with this form e.g. if the number of employees might be 250 or 300, consult payroll and send a letter from the enterprise confirming the **actual** number of employees.

Ticks in shaded boxes indicate your company may not be eligible and activity should only proceed after consulting the LSC who will confirm eligibility status.

The number of employees corresponds to the number of annual working units (AWU) i.e. FTE during one year with part-time and seasonal workers being fractions of AWU. The reference year is to be the last approved accounting period. The turnover and balance sheet total thresholds are those of the last approved 12-month accounting period. In the case of newly established enterprises whose accounts have not been approved, the thresholds shall be derived from a reliable estimate made in the course of the financial year.

4. How many people did you employ (AWU) in the last approved accounting period (across the whole organisation)?

10 or less	<input type="checkbox"/>	11 to 49	<input type="checkbox"/>	50 to 249	<input type="checkbox"/>	250 or more	<input checked="" type="checkbox"/>
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5. Do you have either a balance sheet of no more than €43M (£29M approx), or an annual turnover of less than €50M (£34M approx) (tick)

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. What is the legal status of your organisation? (If necessary, tick more than one box)

A Non-Independent company is one where 25% or greater of the assets, capital or voting rights are held by a parent or holding company or owned jointly by several enterprises which are not themselves SMEs.

Sole Trader	<input type="checkbox"/>	Public Sector Organisation/Local Government	<input checked="" type="checkbox"/>
Partnership	<input type="checkbox"/>	Voluntary/Community Sector/ Not for Profit Organisation	<input checked="" type="checkbox"/>
Private Limited Company	<input type="checkbox"/>	Receive 50% or more of your funds from a public sector source	<input checked="" type="checkbox"/>
Non-Independent Company (if yes go to 7)	<input checked="" type="checkbox"/>	Other (please explain separately)	<input checked="" type="checkbox"/>

7. Non-Independent Enterprises can still be eligible providing you can respond positively to one of the following three statements. If not the company is ineligible to receive ESF support.

Yes	No	The owning organisation meets all of the SME criteria (i.e. employee numbers turnover and balance sheet).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The enterprise is held by public investment corporations, venture capital companies or institutional investors that DO NOT exercise control either jointly or individually.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	if the capital is spread in such a way that it is not possible to identify by whom it is held and the enterprise declares it legitimately presumes it is not owned by one or more enterprise that does not itself fit the SME criteria.

8. What is the main function of your business?

Agriculture	<input checked="" type="checkbox"/>	Mining and extraction	<input type="checkbox"/>	Utilities (gas, electricity, water)	<input type="checkbox"/>
Food, drink and tobacco	<input type="checkbox"/>	Textiles and clothing	<input type="checkbox"/>	Metals and mineral products	<input type="checkbox"/>
Engineering	<input type="checkbox"/>	Other manufacturing	<input type="checkbox"/>	Construction	<input type="checkbox"/>
Chemicals	<input type="checkbox"/>	Health and education services	<input checked="" type="checkbox"/>	Banking and business services	<input type="checkbox"/>
distribution, hotels and so on	<input type="checkbox"/>	Transport and communications	<input type="checkbox"/>	Public administration and defence	<input checked="" type="checkbox"/>
Professional services	<input type="checkbox"/>	Other services	<input type="checkbox"/>		<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

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9. Declaration - I declare that the amount of De minimis aid received by the company / organisation over the last three fiscal years is:

2005	2006	2007	2008	TOTAL

10. I confirm that, to the best of my knowledge, the information above is correct and given in good faith. I confirm that I understand that failure to meet the SME status would result in this enterprise being ineligible to receive ESF funds.

Signed		Date: / /
Name		
Position within firm		

Data Protection Act 1998 – This information may be shared with other organisations and Department for Education and Skills and Department for Work & Pensions for administrative, statistical and research purposes, to inform careers and other guidance and to monitor progress.

PART 2: Eligibility for Support

To be completed by the delivery organisation

	Yes	No
11. ESF Eligibility Criteria met?	<input type="checkbox"/>	<input type="checkbox"/>
12. Local LSC Number	<input type="text"/>	
13. ESF Dossier Number	<input type="text"/>	
14. Local Project Number	<input type="text"/>	
15. Provider Number (UPIN)	<input type="text"/>	
16. Client Number (A unique number that the provider assigns sequentially to each client company)	<input type="text"/>	

17. Value of the ESF support to be delivered in pounds and euros. (This must be the value in euros on the day the offer of support was made).	£
	€

18. Date the offer of training support was made: __ / __ / 20__

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Part 3: Additional guidance notes for delivery organisations on State Aid and de minimis

What is State Aid?

State Aid is any form of aid to a commercial undertaking through "state resources" that distorts or threatens to distort competition within the European Union.

In practice, this means that any funding support given by the LSC to an enterprise that could be construed as giving them a competitive advantage over other enterprises in the EU will fall under the European rules regarding state aid.

For most of the 2007-2013 ESF programme the ESF and public match funding provided to providers in Priority 1 will not constitute state aid. Where ESF activity is supporting individuals to improve their employability and help them move closer to the labour market the aid is being provided to the individual and there are no direct benefits for enterprises. However, for those elements of the programme in Priority 2 which provide support to individuals in employment there may be state aid implications because their employers are receiving support towards the costs of training. Where ESF supports individuals in employment to achieve full or part qualifications this may constitute an aid.

The 2007-2013 ESF programme is covered by the de minimis (Latin for 'too small to be of consequence'), regulation which enables an enterprise to receive up to €200,000 euros in aid (from any public resources including ESF) over three fiscal years. Providing such aid is given within the de minimis rules, there is no requirement to notify it to the Commission.

To ensure that the requirements of the de minimis regulation are met, scheme administrators must ensure that any award of ESF and other public match funding to an enterprise given under the terms of the de minimis block exemption does not breach the €200,000 ceiling over three fiscal years. Member states are required to keep detailed records of any de minimis aid paid for 10 years.

The new de minimis regulation -

- extends the scope of the regulation to marketing and processing of agricultural products with certain conditions and the transport sector (but not to road haulage operations for the acquisition of road freight transport vehicles).
- prohibits the accumulation of de minimis with other block exempted or notified aid schemes for the same costs, and
- *increases the de minimis level from €100,000 to €200,000, except the road transport sector which remains at €100,000.*

Organisations using the de minimis rules must put in place a monitoring system to ensure the limit is not breached. Typically, such a monitoring system will involve:

- asking enterprises receiving support under their scheme to identify all other sources of support (either in cash or in kind) that they have received in the last three years;
- checking if previous de minimis aid is involved, to ensure that the combined assistance does not exceed €200,000 over any three-year rolling period. If the limit is breached, the aid may have to be reduced or refused to ensure the limit is not breached.

The BERR (Department for Business, Enterprise and Regulatory Reform) State Aid Branch advises writing to each recipient in the following terms:

"The assistance for [...] constitutes State Aid as defined under Articles 87 and 88 of the Treaty of Rome and is being granted as 'de minimis' aid under Commission Regulation EC/1998/2006. European Commission rules prohibit any undertaking from receiving more than €200,000 euros (followed by the equivalent amount in pounds on the day the offer is made) 'de-minimis' aid over a rolling three-year period. Any 'de minimis' aid granted over the €200,000 limit may be subject to repayment with interest. If you have received any 'de-minimis' aid over the last three years (from any source) you should inform us immediately with details of the dates and amounts of aid received. Furthermore, information on this aid must be supplied to any other public authority or agency asking for information on 'de minimis' aid for the next three years."

The LSC has no choice but to comply with these State Aid Regulations.

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