

## **Companies' de minimis funding**

### **1 Funding decision and its terms and conditions**

The funding decision will come into effect once any special conditions laid down for entry into force of the decision have been fulfilled and the beneficiary has accepted the funding decision and its terms and conditions in the online service. In conjunction with acceptance, the bank account number into which the funding will be deposited shall be indicated. The person approving this decision must be authorised to sign for the organisation.

These terms and conditions for funding are part of the funding decision, and compliance with them is the prerequisite for payment of the funding.

The funding granted under the funding decision is de minimis aid in accordance with regulation (EU) No 1407/2013 of the European Commission. The total amount of minor (de minimis) support for one business enterprise must not exceed EUR 200,000 for the current and two previous tax years of the period concerned. At the group level, the parent company and subsidiaries are regarded as one enterprise in accordance with European Commission regulation 2 article 2 and any aid given to these, including aid to companies under the same controlling interest, is calculated together. In calculating aid, all aid obtained from the various authorities (for example, the municipalities, regional councils and authorities under the jurisdiction of the Ministries, such as Finnvera Oyj, Centres for Economic Development, Transport and the Environment (ELY Centres) and Business Finland (formerly Tekes) to which the authority has granted aid in accordance with the de minimis terms shall be taken into account. The beneficiary shall be responsible for the accumulation of de minimis aid.

These funding terms and conditions are issued under section 11 (4) of the Act on Discretionary Government Transfers (688/2001).

### **2 Publicity of the funding decision**

The following information will be public: the beneficiary's name, business ID, size, sector, region, form of financing, granting date, the amount of funding granted and the amount paid.

When the beneficiary disseminates information about the project or its results, it must disclose that Business Finland has provided funding for the project.

The Ministry of Economic Affairs and Employment, Finnvera, Business Finland Oy, Innovation Funding Agency Business Finland, ELY Centres and TE Offices may exchange client information relating to the beneficiary.

The Funder may also require information from other authorities and funding bodies (such as the Finnish Tax Administration, municipalities, banks, capital investors, Sitra and the Foundation for Finnish Inventions) for the purposes of payment and supervision of funding. The Funder may, notwithstanding confidentiality provisions relating to business secrets, contact these authorities and funding bodies in order to obtain or provide information associated with the beneficiary and this project. By accepting the funding decision, the beneficiary agrees to the exchange of information.

The beneficiary must submit their annual statements, including appendices, for publication in the Finnish Patent and Registration Office, as laid down by law.

### **3 Accountable project leader**

The beneficiary appoints an accountable project leader who is in an employment relationship with the beneficiary or holds a responsible position in the company. The accountable leader monitors the implementation of the project referred to in the funding decision. The accountable leader is responsible for ensuring that:

- the funding decision has been accepted in the online service
- project accounting has been arranged in accordance with these terms and conditions
- the decision and related terms and conditions are reviewed with financial management/an accounting firm
- the project is implemented in accordance with the plan
- declared costs have been incurred by the project within the duration of the project. the persons chosen to manage the project's issues in the online service have access rights to the project.

In connection with the final report, the accountable leader assures that the funding has been used to implement measures in accordance with the project plan, and that the funding has not been used for export activities, establishing a distribution network, or activities in other member states or third countries. In Tempo and Exhibition Explorer projects, the accountable leader also assures that the funding has not been used to purchase services from associated companies other than Group companies within the same group. No purchases from an associated company are accepted in other Explorer funding services.

### **4 Reporting**

The accountable project leader is responsible for reporting on the project.

Upon request, the Funder must be provided with additional information if required for project monitoring. The additional information may include, for example, names of the people working on the project, the salaries subject to withholding tax paid to them, copies of receipts of purchase invoices, invoice itemizations and the selection criteria for purchased services.

Before payment of the final cost statement, the project may be subjected to a cost audit of all expenses incurred in the project.

If, during the project or immediately after it has ended, the beneficiary receives income obtained through costs reported to Business Finland, it must report such income to the Funder no later than in the final report. If such income is substantial, the Funder has the right not to accept the costs allocated to commercial operations or deduct the income from the costs.

The beneficiary must declare all project costs at the latest in the final cost statement. If it is necessary to make changes between the cost categories in the cost estimate, the beneficiary must apply to change the cost estimate in the Online Service. If all cost categories are exceeded, the change does not need to be applied for separately. No new project costs can be presented after the approval of the final report.

A representative of the beneficiary's financial management must confirm in connection with the final report that the stated costs are included in the beneficiary's accounting and have been paid by the beneficiary. The report template is available on the website.

## **5 Payment of funding**

The Funder shall pay out funding on the basis of the approved final report. However, the first instalment of the funding may be paid in advance in the Tempo projects.

The beneficiary must apply for the final funding instalment from the Funder when submitting the final project report and the final cost statement. Any funding that the beneficiary applies for after that will not be granted.

If the final report shows that, including the advance payments, the funding exceeds the amount due for eligible costs, the beneficiary must return the excess amount.

In Exhibition Explorer and Group Explorer projects, the minimum government grant paid for joint projects is EUR 500 for SMEs.

Entitlement to the granted funding or part of it will lapse if the beneficiary does not submit the requested reports or further information by the due date specified in the funding decision or separately notified by the Funder. Innovation Funding Agency Business Finland may order any funding already provided to be repaid immediately, with interest.

## **6 Joint action**

In joint action, the parties must provide the Funder with a progress report on their own work according to the schedule mentioned in the funding decision. In addition to the monitoring of project progress, the project partners must report on how well cooperation has been realized. Any departures from the cooperation foreseen in the project plan must be approved by the Funder. A service purchased from another joint action partner receiving funding can only be accepted as a project cost if the service forms part of the business operations of the seller, i.e. it is not part of the R&D&I activities which the seller declares to the Funder.

Payment of funding may be suspended for all of the partners, if the cooperation foreseen in the project plan is not achieved due to the funding decision concerning one of the partners, or because of a breach of the funding terms and conditions.

In Exhibition Explorer and Group Explorer projects, the minimum government grant paid for joint projects is EUR 500 for SMEs.

The Funder has the right to disclose information to other project partners if such information affects cooperative activity or the payment of the funding. The beneficiary will be heard before the notification.

## **7 Monitoring of costs and project accounting**

The beneficiary must arrange its accounting so that the costs arising from the project can be itemized and their connection with the accounting and the cost statements can be verified.

The beneficiary must be able to name the individuals who have worked on the project and present evidence of the total salaries subject to withholding tax that have been paid to them during the project as well as the percentage of their total working hours that was spent on the project. In addition to the work hours, the total working time includes vacation time and other paid time off.

The costs must be based on the corresponding expenditure payment records. This does not apply to computational costs allocated to the project. The expenses must be fully paid in money by the beneficiary when they are reported to the Funder. Procurements may not be paid by loans issued by

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the recipient of the payment. Invoice for work performed during the project may be paid after the project end date but before the costs are reported to the Funder.

Project documents and other materials necessary for the supervision and auditing must be kept for a minimum of ten years after the payment of the last project funding instalment.

## **8 Eligibility of costs**

Different costs are considered eligible in different funding services:

- Exhibition Explorer: costs arisen from fairs
- Group Explorer: costs arisen from preparing for internationalization
- other funding services: research, development and innovation expenditure.

The costs are considered eligible if they

- have arisen from the project during the duration of the project (accrual basis)
- have been entered in the accounts of the beneficiary
- are in net amount and VAT exempt.

The Funder has the right not to accept costs presented in a statement if their relevance to the project is not clearly substantiated or they are too large in view of the project results.

The updated project plan and cost estimate form a part of the funding decision and serve as the basis for the approval of costs. All costs based on the project plan must be reported and declared to the Funder. Final approval of the costs for a project can only be given after the costs have been approved.

In order to ensure the effectiveness of funding, principally only procurements and work ordered after the funding application was submitted may be approved for the project.

However, if a procurement included in the project has been ordered before submitting the funding application, the relevant order or agreement must include a cancellation clause whereby the realization of the order or agreement is made contingent on the funding application being accepted. If there is no such cancellation clause, then such a procurement will not constitute an acceptable cost.

In Exhibition Explorer projects, however, reservation and registration costs may be accepted even if they were incurred before the start of the project phase.

Costs will be approved ex VAT, unless the beneficiary is not liable to pay VAT. The costs on which VAT is payable may also be declared if they are connected with VAT-exempt operations and the VAT will be payable by the beneficiary.

The Funder may, at its discretion, accept certain cost statement categories according to an accounting practice that is based on unit costs calculated using the beneficiary's own expenditure records. The use of this must be agreed on a project-specific basis.

The Funder or a party authorised by it has the right to audit the reliability of the accounting system. The Funder may also require that an independent auditor issues a statement on the reliability of the accounting systems.

## **9 Salaries, declared salaries**

Salaries can be approved in the Tempo and Talent Explorer funding services.

The beneficiary may declare the proportion of a person's salary for their total working hours that is allocated to the project. The monthly number of work days in the total working time is 21,5 days, which corresponds to the average total working time per month. In addition to the work hours, the total working time includes holidays and other paid time off.

Only working hours actually spent on the project can be declared. The hours declared cannot include paid absences, e.g. midweek holidays and sick leaves. Actual hours worked must be compared to the project plan's estimate and any deviations must be reported.

The amount of salaries declared to the Funder

- may not substantially differ from what has been paid to the person in question for work of a corresponding level, either before the project or immediately after it
- must correspond to the compensation paid to the person by the beneficiary for other work during the project.

The Funder may, at its discretion, accept the payment of a reasonable salary to a person working for the project who has not been paid any salary for any work before the project.

The Funder will not accept any salary components that are paid to a person on the condition that funding for the pay component is received from the Funder or other funding bodies.

The beneficiary must notify the Funder if performance-related and/or other exceptional payment components are included in the salaries declared to the Funder. The Funder may, at its discretion, approve them if they are an established and important part of the beneficiary's salary payment regime. The beneficiary must always submit the details of the total amount of the exceptional salary components, the payment criteria and period for which the components are paid so that the proportion allocated to the project can be determined.

If the compensation paid is classified as trade income and not as salary, the beneficiary must declare it under Purchased services in the cost statement.

As a rule, the salaries of the beneficiary's managerial and administrative personnel are classified as overheads. Such salaries may, on a case-by-case basis, be accepted as direct costs, if the work performed is directly allocated to the project.

The beneficiary must report any project-related salaries paid to persons coming from abroad to work in Finland or persons working abroad. If a salary specification is submitted in connection with the reporting, the information shall be entered on the template.

## **10 Indirect personnel costs**

30% of the salaries paid, which have been approved for the project, will be accepted as indirect personnel costs. Such costs do not need to be included in the beneficiary's project accounting.

Indirect personnel costs include

- midweek holidays, holiday pay, sick pay and holiday bonus

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- social security costs
- other employment costs, such as recruitment costs, personnel training, fringe benefits, workwear and protective clothing.

The Funder has the right to verify all indirect personnel costs and pay the funding on the basis of actual indirect personnel costs when these remain under the level approved in the cost estimate. Indirect personnel costs must be calculated on request using a spreadsheet available on the Business Finland website.

## **11 Purchased services**

Purchased services can be approved in the Tempo, Exhibition Explorer, Group Explorer and Market Explorer funding services.

Services purchased from third parties can be accepted in accordance with the project plan and invoicing.

Direct project-related expert service costs can be approved as purchased services.

All software required in the project is included in other costs.

In the Tempo funding service, Business Finland may accept costs incurred by reports related to industrial property rights (patents, designs and trademarks) during the project, such as examinations concerning novelty, patentability and freedom to operate, as well as application costs. By contrast, costs that are not accepted include official fees on the initial application of industrial property rights, costs of maintenance or expansion, or costs incurred by opposition proceedings, appeals or infringement cases.

In Tempo or in Exhibition Explorer as well as in business disruption related projects services purchased within the same Group will be accepted as invoiced. Purchased services from non-Finnish Group companies must be stated in the special terms and condition to the funding decision. Purchases from other associated companies are not considered acceptable costs. In other Explorer projects, no purchased services are accepted from the Group companies or other associated companies.

### Definition of an associated company

Companies (here referring to all legal persons) are considered each other's associated companies if at least 20 per cent of the other company's share capital or corresponding equity is directly or indirectly owned or controlled by the other company. This rule also applies when a person holds shares of ownership in more than one company. The Funder also considers companies to be associated companies if the other company exercises control over the other company or can in other ways influence where the other company sources its purchases. Such situations may arise when, for example, a person in the company exercising control is a family member, member or deputy member of the company's board or an official, employee or financier of the company.

Purchased services are itemized in connection with reporting, but they are declared as one instalment.

## **12 Other costs**

A deferred 20 per cent instalment of other costs can be approved for a project.

Other costs include overhead, travel, material and equipment costs, as well as rents and purchase of machinery and equipment, machinery and equipment depreciations and rental costs (incl. cloud

services). With respect to these costs, the Funder approves up to above mentioned percentage of combined salaries and purchased services. These costs need not be reported to the Funder, nor do they need to be included in the beneficiary's project accounting.

### **13 Ineligible costs**

- export activities, i.e. running costs directly related to export volumes, the establishment and operations of a distribution network or any other export activities
- entertainment expenses, donations, stipends or grants
- costs related to production, advertising, marketing or sales, such as travel, brochures or advertising expenses
- costs for trade fairs (does not apply to Exhibition Explorer)
- financing costs
- the beneficiary's funding share for a project implemented in a research organization
- costs for which public funding that may not be combined with other types of public funding is allocated (for example, the salary costs of a person who has received a startup grant for the same period)
- salary costs for which a pay subsidy has been received
- services containing other public funding
- in Tempo- and Exhibition Explorer-projects services purchased from other associated companies than those belonging to the same Group
- in other Explorer projects services purchased from any associated companies
- costs that are not included in the project plan

### **14 Procurement procedures**

When the beneficiary is a public procurement unit or the funding provided by the Funder or other public funding covers more than 50 per cent of the project costs, the beneficiary must observe the provisions of the Act on Public Contracts. When the total value of the procurement is at least 60,000 euros, the procurement must be tendered as a public procurement.

If a public procurement unit has made a procurement in violation of the procurement provisions, the procurement price will not constitute an eligible project cost.

If a company required to put a contract out to tender failed to do so, it cannot receive aid towards more than 50 per cent of the value of the purchase.

The beneficiary must prove that competitive bidding has taken place by attaching a copy of the contract notice published in HILMA ([hankintailmoitukset.fi](http://hankintailmoitukset.fi)) to the cost statement, or by providing justification for applying the direct award procedure.

### **15 Other public funding**

The reports must specify all other public funding granted for the project by the state, municipalities and other public entities or bodies or foundations governed by public law. Funding granted by the European Union must also be reported.

The total share of funding received from the project Funder and other sources of public funding may not cover the full cost of activities or a project for which a government grant has been awarded. If necessary, the Funder will reduce its own contribution to ensure that the maximum amount is not

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exceeded.

## **16 Monitoring of funding impact**

The Funder will continue to evaluate the impact of the projects after their completion.

If necessary, the beneficiary must report on project results for five years after the completion of the project.

The beneficiary must, on request, provide details of the outcome of the plans and forecasts that it presented during the processing of the application and the realization of the project. Upon request, the Funder must be provided with a report on how the business targeted in the project has developed.

The Funder must have the opportunity to audit the beneficiary's annual accounts and auditing statements kept in the Finnish Patent and Registration Office database for a period of five accounting periods following the completion of the project.

The Funder has the right to commission an analysis of the beneficiary's annual accounts from another public funding agency.

## **17 Changes to the project**

The beneficiary must obtain the Funder's consent for project changes. Consent must be sought from the Funder in writing in advance / before the change if the project's progress deviates from the plan:

- significant changes to the project plan
- changes to cost categories
- changes to the schedule
- changes to a reporting date
- changing the accountable project leader.

The beneficiary must immediately notify the Funder of other significant changes to the project, for example if there are changes to key personnel resources.

Changes of bank account are to be reported using form Y1 available on the website.

## **18 Project ownership and intellectual property (IPR)**

The beneficiary must ensure that it holds the ownership and intellectual property rights in the items used and results generated in the project, either pursuant to legislation (e.g. Copyright Act, Act on the Right in Employee Inventions) or by separate agreement.

If the beneficiary uses intellectual property rights owned by a third party (including employees and owners) in the project, it must ensure that it has sufficient rights to use these intellectual property rights for the research and development as well as the business activities in accordance with the project plan.

## **19 Reassignment and approval of corporate reorganization**

As a rule, a funding decision may not be transferred to a third party.

The beneficiary must inform the Funder in writing in advance if, during the project or within five years of payment of the final funding instalment, it

- sells, gives as security or otherwise assigns business or any part thereof generated in the project
- sells, gives as security or otherwise assigns intellectual property rights or other rights generated in the project
- moves its business activities abroad, or
- undertakes other significant business changes or restructuring, including sale of a share majority, merger, division and significant personnel cutbacks directed at operations funded by the Funder.

Prior written consent of the Funder is required for the measures referred to in this section that are carried out outside the European internal market or that may undermine the realization of the targeted project impacts. No approval is needed if licensing is an integral part of the business originally targeted as part of the project.

The Funder may give its approval if the targeted project impacts can, for the most part, be achieved in spite of the changes.

The Funder has the right to claw back the funding under section Clawback of funding of these terms and conditions if the beneficiary violates against the provisions laid down in this section.

## **20 Beneficiary's disclosure obligation**

The beneficiary must provide the Funder with accurate and sufficient information for the payment of funding and for monitoring the compliance with the terms and conditions.

The beneficiary must inform the Funder without delay of any change affecting the realization of the intended use of the funding or of any other change affecting the use of the funding.

## **21 Right of inspection**

Innovation Funding Agency Business Finland, the National Audit Office, the European Commission and the European Court of Auditors have the right to audit the finances and operations of the beneficiary as required for the payment of the funding and supervision of its use.

The audits can be performed by other authorities or auditors authorized by the Funder to carry out the task. An external expert may, at the Funder's request, assist in the performance of the audit.

Right of inspection is in effect for a period of ten years from the payment of the last project instalment. Project documents and other materials necessary for monitoring and auditing must be stored for a period of ten years after the payment of the last project-funding instalment.

The beneficiary should assist with the inspection and provide the needed information for the inspector without compensation.

The auditor has the right to seize any material subject to audit, if auditing so requires. A written record must be drawn up of any seizure of materials during an audit. The record must state the purpose of seizing the material and what has been seized. The seized material must be returned without delay when it is no longer needed for the audit.

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The auditor has, to the extent required by the audit, the right to enter the premises managed or used by the beneficiary. This applies to the business, storage and other similar premises used for practicing a profession or a business, as well as other areas relevant to the granting of the funding and the supervision of its use. Audits may not be carried out in premises covered by domestic peace.

## **22 Discontinuation of payment**

Innovation Funding Agency Business Finland may order the temporary discontinuation of the payment of the funding on following grounds:

1. The Funder has reasons to suspect that the beneficiary does not provide the Funder with correct or adequate information or uses the funding in a manner that is in violation of the funding decision.
2. The grounds on which the funding was granted have essentially changed. Such changes include situations where
  - a) the beneficiary deviates from the project plan without a written authorization granted by the Funder
  - b) there is a substantial deterioration in the beneficiary's financial position in relation to the anticipated trend
  - c) the beneficiary loses its equity in full
  - d) the beneficiary initiates reorganization proceedings
  - e) the beneficiary accumulates tax debts
  - f) the beneficiary has failed to adhere to the repayment obligations concerning the loans granted by Business Finland.
3. the payment of funding must be discontinued under European Union legislation.

If the grounds for the discontinuation are not corrected within the time specified in the decision to interrupt funding, Innovation Funding Agency Business Finland has the right to discontinue payment of the funding and to claw back the funding already paid in whole or in part.

## **23 Repayment of funding**

The beneficiary must, without delay, repay any funding or part thereof received through error, in excess or manifestly without cause.

Grants of less than 100 euros need not be repaid.

The beneficiary must contact the Funder before the repayment of funding.

## **24 Clawback of funding**

Innovation Funding Agency Business Finland may claw back any funding already paid if the beneficiary violates against these terms and conditions.

### **24.1 Statutory clawback**

Innovation Funding Agency Business Finland will issue a decision ordering the discontinuation of the payment of funding and the clawback of funding already paid if the beneficiary has

1. failed to return funding or part thereof that must be repaid under section Repayment of funding

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2. used the funding for a purpose essentially different from that for which it was granted
3. provided false or misleading information about a matter that has been essential to the granting of the funding, its amount or terms and conditions
4. otherwise essentially violated the provisions concerning the use of the funding or these terms and conditions in a manner comparable to paragraphs 1-3.

## **24.2 Discretionary clawback**

Innovation Funding Agency Business Finland has the right to order the discontinuation of the payment of funding and the clawback of funding or part thereof already paid if

- false or misleading information has been provided for the purpose of payment of funding or supervision thereof, information has been concealed, the provision of information has been refused or the information requested by Innovation Funding Agency has not been provided by the specified date
- the beneficiary has not complied with the terms and conditions for funding
- the beneficiary has not informed the Funder without delay of any change affecting the realization of the intended use of the funding or of any other change affecting the use of the funding
- the funding has not been used in compliance with the funding decision
- the beneficiary has refused to assist in the project audit
- the beneficiary has terminated the project for which the funding was granted, reduced or altered it substantially or transferred it to another party
- the beneficiary has been subjected to recovery proceedings, placed into liquidation or bankruptcy, or made subject to restructuring proceedings
- the beneficiary or its representative has been convicted of an offence or ordered to pay penalties, in accordance with section 22 of the Act amending the Act on Discretionary Government Transfers
- the clawback of funding is required under European Union legislation
- the beneficiary otherwise acts in a manner comparable to the matters in this section.

## **24.3 Interest**

The beneficiary must pay interest on the amount to be repaid or clawed back. The interest is applied from the date on which the funding was paid. It is calculated as an annual interest to which three percentage points are added. The annual interest is determined in accordance with section 3(2) of the Interest Act (633/1982).

## **24.4 Penalty interest**

If the beneficiary has not paid the amount to be repaid by the due date set by the Funder, an annual penalty interest must be paid on the amount. For the period after the due date, the penalty interest is in accordance with the interest rate referred to in section 4(1) of the Interest Act (633/1982).

## **24.5 Moderation of grant clawback**

Innovation Funding Agency Business Finland may decide that a part of the sum to be repaid or clawed back, and any interest or penalty interest on it, will not be clawed back if repayment full is unreasonable in light of the financial standing and circumstances of the beneficiary or in relation to the type of property acquired with the grant or in relation to the procedure on which the clawback is

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based or because of a change in circumstances. For an extremely weighty reason, Innovation Funding Agency may decide to totally waive the sum to be repaid or clawed back, or the interest or penalty interest on it.

#### **24.6 Clawback time limit**

The grant and interest or penalty interest on it will not be clawed back if ten years have elapsed from the remission of the final instalment of funding for the project.

### **25 Funder's right of offsetting**

The funding to be repaid or clawed back and the interest on it may be deducted from the other funding provided to the beneficiary.

### **26 Misuse**

If, during the course of the project, there is reason to suspect that the beneficiary or a person acting on the beneficiary's behalf has committed a criminal offence under the Criminal Code (19 December 1889), with the Funder as the injured party, the Funder will take the required action in the matter.

### **27 Order of application**

In the event of a conflict between the funding decision and appendices to it, the following order of application will apply:

1. Funding decision and any special terms and conditions thereof
2. Funding terms and conditions
3. Cost estimate
4. Project plan
5. Funding application and its appendices
6. Any other documents relevant to the funding decision

### **28 Scope of application and legal basis**

- Annual state budget
- Act on Discretionary Government Transfers (688/2001)
- Act amending the Act on Discretionary Government Transfers (1113/2018)
- Government Decree on Funding for Research, Development and Innovation Activities (1444/2014)
- Government Decree amending the Government Decree on Funding for Research, Development and Innovation Activities (125/2018)
- Government Decree on internationalisation funding granted for joint ventures of enterprises in 2016-2020 (1734/2015)
- Government Decree amending the Government Decree on internationalisation funding granted for joint ventures of enterprises in 2016-2020
- Commission Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (Official Journal of the European Union L352, 24 December 2013, page 1)

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- Act on the Client Information System of Enterprise Services (293/2017)
- Act on the Provision of Digital Services (306/2019)
- Act Amending the Act on Electronic Services and Communication in the Public Sector (307/2019)