

Spain

Two funding organizations will grant Spanish applicants to the **Chips JU- 2024** calls:

1. The Ministry for Digital Transformation and Civil Service (MDTCS) will support enterprises and other private agents.
2. The Agencia Estatal de Investigación (AEI, State Research Agency) depending on the Ministry of Science and Innovation and Universities (MCIU) will support research centers, universities and non-profit private research entities.

Each Spanish participant in a **Chips JU** Consortium needs to request the national funding from the corresponding funding entity at a later stage, in case the project is approved.

It is strongly recommended that all the possible applicants inform national contact person at the beginning of the proposal preparation.

National contact persons for Chips JU Programme

Country	Name	Tel	E-mail
SPAIN	MDTCS: Guillermo Gómez Fontecha Sonia Juan Vindel Jesús Marcos Morell Álvaro Pereda Arce David de Francisco Marcos Juan Miguel Ibáñez de Aldecoa Quintana Adriel Taboada Villanueva		chipsju@digital.gob.es
	AEI: Estrella Fernández García Severino Falcón Morales	+34916037238	estrella.fernandez@aei.gob.es severino.falcon@aei.gob.es
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Shared conditions between the MDTCS and AEI

It will be mandatory to fulfill all European current legal requirements for applying for public grants:

- Marco Comunitario sobre Ayudas Estatales de Investigación y Desarrollo e Innovación (OJ 2014/C198/01).
- **Council Regulation (EU) 2021/2085 of 19 November 2021 establishing** Joint Undertakings under Horizon Europe (Single Basic Act) and its amending Council Regulation (EU) 2023/1782 of 25 July 2023
- Applicable rules or regulations governing the Chips JU and its 2024 Work Program
- GBER and RDI framework

Moreover, regarding any aspect not included in European regulation, it is mandatory to fulfill other Spanish current applicable legal requirements ruled in the following legal texts:

- Ley 38/2003, de 17 de noviembre, General de Subvenciones.
- Real Decreto 887/2006, de 21 de julio, por el que se aprueba el Reglamento de la Ley 38/2003, de 17 de noviembre, General de Subvenciones.

- Leyes anuales de Presupuestos Generales del Estado.
- Ley 47/2003, de 26 de noviembre, General Presupuestaria.
- Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas.
- Ley 40/2015, de 1 de octubre, de Régimen Jurídico del Sector Público.
- Ley 9/2017, de 30 de octubre, de Contratos del Sector Público.
- Ley 14/2011 de 1 de Junio, de la Ciencia, Tecnología e Innovación
- Ley 28/2022, de 21 de diciembre, de fomento del ecosistema de las empresas emergentes,
- Ley Orgánica 2/2023, de 22 de marzo, del Sistema Universitario.

The Spanish legal texts can be found on <http://www.boe.es>

I- Requirements by the Ministry for Digital Transformation and Civil Service (MDTCS)

Legal requirements for the eligibility of a partner or a project

1) Type or nature of participants

The Ministry for Digital Transformation and Civil Service (MDTCS) is the national authority in charge of funding Chips JU calls from the following participants:

- Spanish enterprises (SME, LE, GE¹, RDL 1/2010, de 2 de julio, Texto refundido de la Ley de Sociedades de Capital)
- Private Technology Centers (TC, RD 2093/2008 29th December)
- Private Universities (LOSU 2/2023)

According to the Spanish Regulation, enterprises and Technology Centers (RD 2093/2008 29th December) should follow the rules and procedures for loans and grants.

2) Legal and administrative requirements

Every national participant should be established in Spain, satisfy the Art. 13 of Ley 38/2003, de 17 de noviembre, General de Subvenciones (LGS) and not be in bankruptcy or not have requested the declaration of bankruptcy.

For that reason, every national participant should sign a Statement of Compliance.

Therefore, every national participant should authorize the access and consultation of tax obligations, Social Security payments, fiscal residence, and Full Statement of National Insurance contributions of the workers assigned to the project and/or the verification of any other data provide during the granting and monitoring of the aid. An authorization template will be available at the website of the Secretariat of State for-Telecommunications and Digital Infrastructures and should be sent along with the Part C.

In case the participant does not authorize the consultation, the participant shall submit the corresponding documentation.

Furthermore, Spanish participants shall comply with the following requirements:

- Participating entities shall be registered at the Public Registry of Commerce or equivalent register the closed accounts for the years 2022 and 2023 (if available). Otherwise, they shall submit that information along with their part C.
- Participating entities shall submit as well, along with their application, a copy of the financial statements of 2022 (if available), signed by the administrators of the entity, audited if legally required, and with the financial statements of "Balance Sheet", "Income Statement" and

¹ Group of Enterprises

"Explanatory Memory", at least, according to Art. 254 of Real Decreto Legislativo 1/2010, de 2 de julio, (Texto refundido de la Ley de Sociedades de Capital).

- If the submitted accounts do not provide the minimum financial statements indicated in the previous paragraph, the participant shall provide the risk report from the Risk Information Center of the Bank of Spain (CIRBE) and / or the 303 VAT return model for the four quarters of 2021. Likewise, in the case of not being able to access the accounts presented to the Public Registry of Commerce, the applicant may be required to make a copy of these accounts. A request for assistance may be filed by the participant.

To that end, at the Project Outline (PO) phase, the following documentation shall be submitted to the Chips JU:

- Part C
- Responsible statement, as well as authorization for data consultation.

Templates for the aforementioned documents will be available at the website of the Secretariat of State for Telecommunications and Digital Infrastructures or upon request.

Regarding the Full Project proposal (FPP) phase, the following documentation shall be submitted to the Chips JU:

- Part C.
- Responsible statement, as well as the authorization for data consultation.
- Financial Statements for the years 2022 and 2023.

Templates for the aforementioned documents will be available at the website of the Secretariat of State for Telecommunications and Digital Infrastructures or upon request.

2) Legal and administrative procedures

After signing the Grant Agreement, **MDTCS** will contact every beneficiary to assist in the fulfillment of forms and documents requested by the Spanish Public Authorities, to sign the National Grant Agreement document.

Payment of the national contribution will proceed regarding national rules in force.

A payment in advance is carried out after the establishment of the National Grant Agreement. This option requires collaterals of 100% of the amount. Collaterals shall be in the form of guarantees provided by credit institutions or mutual guarantee societies.

Proposals may be rejected when:

- It is not considered credible by the Spanish Public Authorities that consortium members could adequately co-finance the project.
- Project deadlines are not considered realistic by the Spanish Public Authorities
- Accredited Technical or financial capacities of Spanish consortium members are not considered realistic to fulfil the project as submitted.
- Spanish partners do not provide enough proof of their capabilities.

- The effect or positive impact on selection and evaluation criteria is considered insufficient by the relevant authorities.
- Not enough relevance of Spanish consortium share.

In addition, to avoid double cost financing, each reported eligible cost shall be assigned to its financing entity: if they are financed by the Chips JU, co-financed by **MDTCS** or co-financed by participant entity. Eligible costs shall be clearly separated by type of activity and financing entity.

Eligibility of the costs and funding

1) Consortium configuration

To be eligible, there is no minimum Spanish participation. However Spanish relevance should be detailed and will be assessed by **MDTCS**: projects considered not relevant for Spain may be rejected.

Participants shall set up a national sub-consortium with the following rules:

1. All members shall prove knowledge and expertise, and relevant contributions to the project in their relative project matters.
2. Private partners shall account for a minimum of Fifty (50) % of the Spanish project budget.
3. There shall be at least one SME in the Spanish consortium.
4. Each participant will send its own form C and shall comply with the stated conditions to be a beneficiary.

2) Solvency and Financial Conditions

- **MDTCS** will check if the participants are eligible monitoring that they are not in crisis as defined by EU regulation 651/2014.
- Each Spanish private partner has the necessary financial capacity to carry out the project, and the Spanish Public Authorities will assess it. **MDTCS** shall perform a financial analysis.
- **MDTCS** requires collaterals of 100% the national funding amount.

3) Funding rates

Maximum percentage of costs covered by MDTCS as a percentage of the eligible costs for the non-initiative calls Chips JU 2024

Type of Organization Type of activity	Large Enterprise / RTO	Medium Enterprise / RTO	Small Enterprise / RTO
RIA (EPS) Research and Innovation Action	Up to 65% - JU%	Up to 75% - JU%	Up to 80% - JU%
IA (EPS) Innovation Action	Up to 40% - JU%	Up to 50% - JU%	Up to 60% - JU%

These percentages are maxima according to the funding provided by the Chips JU and the conditions stated by annex I and articles 25 and 28 of Regulation (EU) No 651/2014 related to definition of enterprise categories and maximum aid intensity.

MDTCS will provide the same funding percentage than the JU if possible, never surpassing the aforementioned limits in any case.

4) Amount of required collateral by MDTCS

MDTCS requires collaterals of 100% of the national funding amount.

5) Additional Information to be provided at submission and other conditions

MDTCS will specifically encourage projects:

- Coordinated by a Spanish entity.
- Where there are SMEs working in the core of the project.
- Contributing to the territorial cohesion in semiconductor sector and industry, according to the III axis of the Spanish Recovery, Transformation and Resilience Plan
- Promote the presence and participation of women in semiconductor sector and industry, according to the IV axis of the Spanish Recovery, Transformation and Resilience Plan
- Where Spanish entities that have never participated in previous ECSEL or KDT calls are integrated in order to broaden the range of participants in Chips JU.

