

***Order TMA/702/2020, approving the rules and regulations for the granting of state aid by Ports of the State (Puertos de Estado) within the framework of the Plan to Promote Entrepreneurship for innovation in the Port Sector ("Ports 4.0") and calling for such state aid for 2020.***

**Important notification:** Please note that the authoritative source of information is the Spanish version. If there is any conflict between the translated versions and the Spanish, the latter takes precedence.

The Fourth Industrial Revolution (Industry 4.0) has led to the disruptive transformation of all economic sectors resulting in the creation of innovative products, services and processes through the use of the latest cutting-edge technologies. These transformative processes not only apply to the trade, logistics and transport sectors, encompassing each and every component and link in the logistics chain, but in particular, to the ports due to the key role they play as inter-connected element in the chain.

The Spanish economy is aware of this importance and understands that the best conditions for international projection depend on leveraging the privileged position it enjoys with regard to both the maritime routes, and of the potential of its ports and of the entire port-logistics community. While this network is equipped with necessary capacity currently needed, it is destined to make the decisive and inevitable leap, both quantitatively and qualitatively, towards innovation and transformation within the framework of the 4.0 economy to maintain high levels of competitiveness, sustainability and efficiency.

From here the concept of TradeTech arises, one which encompasses any technology or innovative solution that allows for the transformation of any of the services or processes related to the following:

trade activities, the logistics chain, transport and ports, such as freight and passenger transport, distribution, storage and logistics, safety and security, the decarbonisation and reduction of emissions, construction and maintenance of logistics infrastructures and assets, and also tourism, nautical sports and fishing.

In short, any innovative product, service or process resulting from the application of new technologies that form a part of the port-logistics community, and in short, all actors that affect trade and the logistics chain, resulting in greater efficiency, sustainability and competitiveness. It is this competitiveness of our ports that depends largely on the competitiveness of the entire value chain associated with trade.

Some of the TradeTech solutions that will allow for the transformation of these processes today include the application of new disruptive technologies to the sector such as new building materials, autonomous vehicles, robotics and automation of operations, smart infrastructure through the application of the Internet of Things (IoT), Big Data and data analysis and artificial intelligence, virtual and augmented reality, 3D printing, blockchain for certification and digitization of processes, etc.

The ports position to act as a Tradetech link between the transformation of the logistics chain and the 4.0 economy, led to the creation of 'Ports 4.0', a model designed to promote open corporate innovation of the Spanish port system. The aim is to attract, support and facilitate the application of talent and entrepreneurship to the Spanish public and private port-logistics sector through a public aid plan that promotes entrepreneurship for innovation. In addition, the main objective of 'Ports 4.0' is to promote the creation or consolidation of a network of emerging companies, startups, spin-offs or new lines of business of existing companies that develop and implement innovative products, services and processes for the Spanish port-logistics sector, with a focus on the market. In short, to promote and facilitate the Spanish port-logistics sectors' integration of the 4.0 economy under the name of the 'Plan to Boost Entrepreneurship for the innovation in the Ports Sector' or 'Ports 4.0'.

The 'Ports 4.0' Fund was created and financed through the Inter-Port Compensation Fund at the meeting of its Distribution Committee on 22 March 2018, in accordance with article 159 of the consolidated text of the Law on Ports of the State and the Merchant Navy, approved by Royal Legislative Decree 2/2011 of 5 September.

The cited Committee also agreed to assign the management of the Ports 4.0 Fund and the amount of aid established for the purposes described to Ports of the State. In addition, Ports of the state will be in charge of launching the calls, as well as the evaluation, selection and monitoring of the ideas and projects of the Ports 4.0 Fund in conjunction with the Port Authorities, to be submitted for approval by said Committee.

The legal framework under which public aid to entrepreneurship will be granted by the Ports 4.0 Fund will be Law 38/2003 of 17 November 2003 on General Subsidies (the General Subsidies Law), in accordance with the twenty-sixth additional provision of that Law, and the agreement of the Committee for the Distribution of the Inter-Port Compensation Fund. This agreement establishes and regulates the allocation of the contribution of an additional 1 % per year of the percentage to be applied corresponding to article 159 (3)(b) of the Law on State Ports and the Merchant Navy for research, development and innovation initiatives and programmes of interest to the ports.

The Plan to Promote Entrepreneurship for Innovation in the Port Sector "Ports 4.0" is part of the Innovation Plan for Transport and Infrastructures of the Ministry of Transport, Mobility and Urban Agenda with the aim of quickly and efficiently integrating innovation in the transport and logistics sector. The plan aims to strengthen investment in expertise and innovation by dependent bodies, as a source for the country's growth and competitiveness, within the framework of the Spanish Strategy of Science, Technology and Innovation 2013-2020 and the State Plan for Scientific and Technical Research and Innovation 2017-2020.

Due to the specific nature of the rules and regulations, the unique nature of the aid, and the need for its consequences to take effect as soon as possible, this order includes the call for applications, in accordance with the provisions of article 23.2 a) of Law 38/2003 of 17 November 2003.

This order complies with the principles of good compliance pursuant to Article 129 of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations. It meets the principles of necessity and efficiency, since the rule is the most appropriate means for the interests pursued, specifically, to promote the creation of emerging companies or new business lines of existing companies that develop innovative products, services or processes in the Spanish port-logistics sector. In addition, it is in line with the principle of proportionality, since it contains the essential regulations for achieving the intended purpose, taking into account that aid is granted under a competitive scheme, to which the general regulations in this respect will be applicable. Lastly, it is aligned with the principle of legal certainty, since it is consistent with the rest of the national and European Union legal system. Furthermore, the order is in accordance with the principles of transparency, since it clearly defines its objectives and is sufficiently justified in the explanatory memorandum it incorporates, while also providing efficiency, since it avoids unnecessary administrative burdens, in compliance with the applicable regulations.

This order is issued under the provisions of rules 15.a and 20.a of Article 149.1 of the Constitution, which grant the State exclusive jurisdiction in the area of promotion and general coordination of scientific and technical research and in the area of ports of general interest, respectively.

In the preparation of this provision, a report has been submitted by the Delegated Intervention and the State Attorney's Office of the Department, in accordance with article 17 of Law 38/2003, of 17 November. A report was also obtained from the then Ministry of Science, Innovation and Universities.

By virtue of the aforementioned, with the prior approval of the Minister for Territorial Policy and the Civil Service,

it is hereby ordered that:

## **SECTION I**

### **Object and Purpose**

#### *Article 1. Purpose and scope of application*

The purpose of this order is to develop the rules and regulations and to call for the granting of aid for 2020, on a competitive basis, in accordance with the provisions of General Subsidies Law 38/2003 of 17 November. It aims to encourage the creation and consolidation of a network of emerging companies or new lines of business for existing companies that develop innovative products, services or processes to serve the Port Community and the Spanish port-logistics sector, in general with market orientation, mainly but not exclusively industrial projects 4.0, within the framework of the Plan to Promote Entrepreneurship for Innovation in the Port Sector 'Ports 4.0' created and financed through the Inter-Port Compensation fund.

## Article 2. Purpose of the aid

1. The purpose of the aid which is the subject of this order is to activate public and private investment in innovation for the transformation and strengthening of the technological capacities of the transport, logistics and ports sector and to promote the generation and application of new knowledge and technologies of a disruptive nature, new uses of technologies which already exist but have not yet been applied to the port-logistics sector, as well as applied research activities which generate added value for the port-logistics community, through business projects.

2. The aid is intended to finance the implementation of new ideas or projects that develop new technologies, introduce innovative products, services or processes to the market, or improve existing ones with direct application to the port-logistics ecosystem or others which are either related to it, linked to ports of general interest or to the different links in the logistics chain.

## Section II

### **Purpose of granting aid: definition, conditions and criteria for determining the amount of aid for ideas and projects eligible for aid**

## Article 3. Definition of the level of technological maturity of an innovative product or service

The scheme and the amount of aid shall be variable, depending on the level of technological maturity attributable to the product, service or process developed.

The definition of the level of technological maturity of an innovative product or service, whose objective is to be able to define its state or phase of development, is based on the provisions of the European Union's Framework Programme for Research (2014 - 2020), known as H2020.

The different levels of maturity are expressed in the following table:

LEVEL	Description of the level of maturity	Level Plan Description of maturity level Entrepreneurship Drive for Innovation in the Port Sector "Ports 4.0
TRL 1	basic principles observed	IDEA
TRL 2	technology concept formulated	
TRL 3	experimental proof of concept	PROJECT IN PRE-COMMERCIAL PHASE
TRL 4	technology validated in lab	
TRL 5	technology validated in relevant environment (industrially relevant environment in the case of key enabling technologies)	

<b>TRL 6</b>	technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies)	PROJECT IN PRE-COMMERCIAL PHASE
<b>TRL 7</b>	system prototype demonstration in operational environment	
<b>TRL 8</b>	system complete and qualified	COMMERCIAL PROJECT
<b>TRL 9</b>	actual system proven in operational environment (competitive manufacturing in the case of key enabling technologies; or in space)	

#### Article 4. *Definition of eligible idea*

For the purposes of this order, an Idea is considered a the set of actions necessary to achieve an innovative product, service or process which, complying with the requirements established in article 6, is in an initial phase of technological development, associated with a level of technological maturity 1 or 2, and whose result must be a proof of concept applicable to one or more actors of the port-logistics community. The expected outcome shall be the positive realisation of a proof of concept or the achievement of TRL3 level of technological maturity.

An Idea is eligible when it fulfils the characteristics and requirements set out in article 6 of this Order.

#### Article 5. *Definition of eligible project.*

1. For the purposes of this order, a Project is the set of actions required to achieve an innovative product, service or process applicable to one or more actors of the port-logistics community, once the proof of concept and its applicability in at least one port or part of the port-logistics sector has been tested and its degree of technological maturity is equal to or higher than TRL3.

2. A Project will be eligible for funding when, having the characteristics and fulfilling the requirements established in article 6 of this Order, it is in any of the two development phases expressed below:

a) Projects in the pre-commercial phase. The projects will be sufficiently mature to be catalogued in the pre-commercial phase when, having positively tested the proof of concept, the product, service or process is at a TRL3, 4, 5 or 6 level, and its validation can be

carried out in a port-logistical environment. The expected result is positive validation in a real environment or the arrival at a TRL7 level of technological maturity.

b) Projects in the commercial phase. Projects will be sufficiently mature to be classified as being in the commercial phase when they are at a level of development equal to or greater than TRL7. The expected result will be that the resulting product, service or process must be in a position to be commercialized, including at the international level.

#### *Article 6. Characteristics and requirements of eligible Ideas and Projects.*

The Ideas and Projects eligible for aid must aim to achieve an innovative product, service or process and must comply with the following requirements:

1. Develop a new product, service or process or improve an existing technology with an innovative component and develop its application to the port-logistics sector.

2. Promote the achievement of measurable breakthrough solutions in one or more of the following areas of the port-logistics activity:

a) Logistical efficiency in the infrastructure, operational or service provision field:

1. Automation and robotization of operations in ports (in any of their subsystems), as well as autonomous driving systems that may significantly improve port operations.

2. Unmanned vehicles: boats, mobile material in terminals, land transport.

3. "Efficient" or "Smart" infrastructures or facilities: new materials and designs, monitoring as a basis for optimising predictive maintenance.

4. Infrastructures, facilities, equipment, processes or services that contribute to the increased accessibility for people with disabilities.

5. Infrastructures, facilities, equipment, processes or services that contribute to efficient and improved passenger and luggage care.

6. Infrastructures, facilities, equipment, processes or services that contribute to the improvement of the operation and management of border control and inspection centres (goods and passengers).

7. Infrastructures, equipment, processes or services that contribute to the improvement of the operation and management of fishing facilities.

8. Infrastructure, equipment, services or processes that contribute to the improvement of the operation and management of the nautical sector.

9. Promotion and enhancement of multimodal transport.

10. Integration of real and forecast data of the physical environment in processes to improve the efficiency of the logistics chain and to reduce risks.

11. Sensorisation of port operations and the logistics chain.

12. Systems of control for maritime and ground transportation.

13. Traceability systems in the logistics chain

b) Environmental sustainability and energy:

1. Equipment associated with the provision of an eco-efficient port and commercial services from an environmental perspective.

2. Equipment, facilities or services that contribute to reducing the carbon footprint, polluting emissions and noise while improving water quality, and in particular any solutions that lead to a shift towards zero emission or Green Ports.

3. Equipment, facilities or services that contribute to the circular economy (waste recycling, treatment of material from dredging, wastewater, etc.).

4. Equipment, installations or services that contribute to the production or efficient management of energy in ports and logistics terminals.

5. Equipment, installations or services for forecasting and combating pollution.

6. Equipment, installations and services promoting the use of alternative fuels (LNG, etc.)

(c) Safety and security:

1. Products (systems, devices, facilities, equipment or services) for early warning, detection or mitigation of emergencies.

2. Products for remote-sensing on land, sea or air, as well as those related to intruder control or passenger and cargo flows.

3. Physical or digital risk management optimization systems (cyber-security).

4. Automation of controls.

(d) Digitization of processes and intelligent platforms

1. Digital platforms for management and data exchange between actors in the port-logistic community (extension or evolution of current single-window systems, management of

services such as DUEPORT, PCS, INTEGRA, customs single-window, etc.)

2. Intelligent port systems and co-creators of added value.

3. Digital integration with other modes of transport (goods/passenger flows, rolling stock flows, service flows)

4. Registration and digital integration with other sectors: "big data", Internet of Things, etc.

5. Inclusive registration processes that ensure the reliability and transparency of information ("blockchain", etc.) Digital enablers.

6. Info-connected port.

7. Products that contribute to the economy 4.0

e) Any other innovative product, service or process with an impact on the port-logistics sector.

f) Any other innovative product, service or process with impact on the nautical or fishing port sector.

3. Possess a certain, demonstrable and clearly defined innovative component at least in terms of its scope, contents and costs, as well as not existing in the market both nationally and internationally regarding application for the port-logistics sector.

4. To be made available, tested, implanted or deployed in one or more actors of the port-logistics community.

5. Demonstrate the results of the previous phases achieved in the case of products or services with a consolidated degree of maturity. This requirement will require:

(a) In an Idea: It will not be necessary to demonstrate the degree of technological maturity, without the requirement to reach level TRL 3.

b) For a pre-commercial Project: it shall be necessary to demonstrate the results obtained at least up to the Proof of Concept development level (having previously reached TRL3 level of technological maturity)

c) In a commercial Project: it will be necessary to demonstrate the results obtained at least up to the level of deployment, once the prototype tests in real environment have obtained demonstrable positive results (having previously reached the TRL7 level of technological maturity).

6. Preserve, develop or complete the priority axes and lines of action of the Spanish Science and Innovation Strategy 2013-2020:



a) Definition of a favourable environment that facilitates the development of Research & Development & Innovation (R&D&I) activities and allows the creation of a flexible and efficient framework both in the field of public and business R&D and adapted to the needs of the actors.

b) Promotion of specialisation and pooling in the generation of knowledge and talent that promotes a clear division of functions between the actors to facilitate international leadership in R&D&I and enhances the activities carried out at the different levels by eliminating the inefficiencies associated with redundancy and lack of specialisation.

c) Stimulation of the transfer and management of knowledge in open and flexible environments of collaboration in R+D+I in which the interaction, the collaboration of ideas, and the adoption of shared objectives and models favours the development of new ideas and encourages their transfer to new commercial and non-commercial applications that improve the results obtained.

d) Support for the internationalization and promotion of the international leadership of the Spanish Science, Technology and Innovation System, since they represent a clear factor of competitiveness and differentiation that needs to be enhanced.

e) Definition of a highly competitive regional framework based on the Intelligent Specialisation of the Territories that will allow the structuring, in the different Autonomous Communities, of the social and economic development necessary to favour convergence on the basis of the capacities of the existing productive network, the scientific potential of its actors and the promotion of innovation as a driving force for change and progress.

f) The promotion of a scientific, innovative and entrepreneurial culture that permeates every aspect of society, encourages creativity and promotes a higher degree of social and institutional acceptance of entrepreneurship.

7. To provide a favourable social impact on the port-logistics environment, on direct or indirect employment, and consequently on the economic and social development of the port-logistics environments.

8. To reach or exceed the total value of the costs associated with the innovation component of the project, 50% of the total budget of the project, even if this percentage exceeds the funding limits established for each type of project in these regulations.

#### *Article 7. Maximum duration of eligible ideas and projects.*

1. The Ideas must be implemented within the period established by the beneficiaries in their supported technical documentation, within a maximum of six months from the publication of the resolution granting the aid.

2. The pre-commercial and commercial projects must be implemented within the period specified by the beneficiaries in their technical documentation, up to a maximum of 36 months from the publication of the resolution granting the aid.

#### Article 8. *Ineligible ideas and projects*

Ineligible Ideas or Projects are those that:

- (a) Its level of development is such that the marketing stage has already been achieved at national or international level.
- (b) Represent only an adaptation of a product, service, or process already existing commercially, without adding an innovative component.
- (c) Are not focused on solving the challenges of the port-logistics community as set out in article 6.
- d) Do not possess a certain and demonstrable innovative component for the port-logistics ecosystem at both national and international levels.

### **SECTION III**

#### **Beneficiaries**

#### Article 9. *Beneficiaries.*

The beneficiaries of the aid regulated by this order shall be natural or legal persons, public or private, Spanish or foreign, who have full capacity to act and must carry out the ideas and eligible projects referred to in Articles 4, 5 and 6 of this order, provided that they are not subject to any of the prohibitions stipulated in Article 13(2) and (3) of Law 38/2003 of 17 November 2003.

In the case of legal persons, their aims, object or field, in accordance with their statutes or founding rules, must comprise or enable the realisation of the ideas and projects eligible for funding referred to in Articles 4, 5 and 6 of this Order.

By way of exception, natural persons may not receive funding for projects in the pre-commercial and commercial phases, and only legal persons and associations or groups thereof may receive such funding.

Nor may foreign legal-public persons or the groups in which they participate be beneficiaries of the grants regulated by this order.

#### Article 10. *Groups or associations of natural and legal persons.*

1. In accordance with article 11.3 of Law 38/2003 of 17 November, groups of natural and legal persons that can carry out ideas or projects in cooperation may be considered as beneficiaries. More than one of the beneficiaries indicated in article 9 must participate in these projects and meet the requirements established for such beneficiaries.

2. The resulting grouping shall not have legal entity, and one of the participating natural or legal persons must therefore be appointed as coordinator, representative or sole agent of the grouping, with sufficient powers to fulfil the obligations which, as a beneficiary, correspond to the grouping. The implementation commitments made by each member must be stated in the application and the award decision, as well as the amount of aid to be applied to each member, who will also have the status of beneficiary. The grouping's relations must be formalised in writing by an agreement or arrangement setting out the rights and obligations of the participants. The grouping may not be dissolved until the limitation period provided for in articles 39 and 65 of Law 38/2003 of 17 November has elapsed.

#### Article 11. *Obligations of beneficiaries*

1. Beneficiaries must comply with the obligations set out in article 14 of Law No 38/2003 of 17 November 2003 and the corresponding provisions of its regulation, approved by Royal Decree No 887/2006 of 21 July 2006, as well as those contained in this order and those set out in the decision granting the aid.

2. For the purposes of this order, there shall be obligations of the beneficiary:

a) For Ideas:

1. To accept the aid awarded under the terms established in the resolution of aid.

2. To implement the Idea in accordance with the application for the grant, which is binding, and with the provisions of the aid resolution and the conditions of acceptance and any amendments thereto.

3. To provide evidence of the fulfilment of objectives, in particular that of having successfully or unsuccessfully carried out the Proof of Concept which is the objective of the aid. In accordance with the provisions of article 72(3) of the Regulation of Law 38/2003 of 17 November, for the purposes of the content of the supporting account, only the documentation set out in article 72(1) of that Regulation will be considered applicable.

4. Compliance with any other obligation established in the conditions of acceptance of the aid.

b) For Projects:

1. To accept the aid awarded under the terms established in the grant resolution.

2. To implement the Project in accordance with the application for aid, which is binding, and with the provisions of the resolution of the aid and the conditions of acceptance and any amendments thereto.

3. To provide evidence of compliance with objectives, in particular the development of the products, services or processes that are the object of the aid.

4. Provide evidence of the use made of the funds received, enabling a clear link to be established between the expenditure charged and the objectives achieved.

5. Maintain a separate accounting system that allows for the separate recording of all transactions related to the project.

6. To comply with the obligations to publicise the subsidy in the terms established in article 31.2. of Royal Decree 887/2006, of 21 July, which approves the Regulation of Law 38/2003.

7. To repay the amount of aid corresponding to the funds that have not been applied to the project by presenting the supporting account in accordance with the procedure established in this call for applications.

8. To prepare and keep all the accounting books, completed records and other evidence and documents justifying the application of the funds received, including electronic documents, as well as evidence of compliance with the objectives and application of funds in paragraphs 3 and 4 above, for a minimum period of four years from the date of submission of the last supporting documentation and, in any event, for as long as they may be subject to verification and control.

9. Bear the responsibilities that may arise from the realization of the project.

10. To have an analytical or separate accounting system that makes it possible to differentiate the income and expenses incurred in the execution of the project and, where appropriate, in the marketing of the resulting product, service or process.

11. The beneficiaries of the aid for Projects that involve the development of prototypes or pilots must execute the Project in facilities in Spanish territory that are owned by Port Authorities, their concessionaires and other actors, public or private, from the port-logistics community.

In such cases, the Port Authority, concessionaire or actor of the port-logistics community in whose facilities the Project is executed shall be considered as a facilitating actor for the purposes of this order, and the beneficiaries will be obliged to provide documentation of the agreement signed establishing the conditions and commitments between beneficiaries and facilitators.

12. To comply with any other requirement established in the conditions of acceptance of the aid.

3. Failure to comply with any of the obligations referred to in the preceding paragraphs may result in the loss of the right to entitlement or in the repayment of the aid, as appropriate.

## Article 12. *Change of beneficiary due to structural modification*

1. In the case of a change of beneficiary as a result of a structural modification under the terms of Law 3/2009 of 3 April on structural modifications of trading/commercial companies, the beneficiary must notify Ports of the State of the structural modification at the time it takes legal effect, requesting authorisation from the body granting the aid to change the beneficiary.

2. Authorisation to change the beneficiary shall be granted if the following conditions are met:

a) That the new entity expressly undertakes responsibility to assume all the obligations of the beneficiary.

b) That the new entity complies with the requirements for obtaining the aid referred to in this order and the others established in the call, including meeting the evaluation criteria, if the project is being implemented.

3. The body awarding the aid may grant the authorisation for the change of beneficiary conditional on the provision of additional guarantees, which may amount to 100% of the amount of the aid awarded, in order to ensure that the new beneficiary complies with its obligations.

4. The maximum time limit for resolving and notifying the authorisation for the change of beneficiary shall be 30 working days from the date of the request.

If authorisation for the change of beneficiary is not granted, an appeal for reconsideration may be lodged with the body issuing the act, in accordance with the provisions of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations, without prejudice to the above, an appeal for judicial review may be lodged against the refusal of authorisation and, where appropriate, against the decision of the appeal for reconsideration, in accordance with the provisions of Law 29/1998, of 13 July, which regulates judicial review.

In the event that authorisation for the change of beneficiary is refused before the aid is received, the beneficiary loses their right to payment. If the aid has been received, the granting authority shall agree to initiate the procedure for full repayment of the aid granted.

## Article 13. *Subcontracting.*

All or part of the activities covered by the aid may be subcontracted in accordance with the requirements and prohibitions stipulated in article 29 of Law 38/2003 of 17 November 2003 and Article 68 of its Regulation. In the case of projects at both the commercial and pre-commercial stages, subcontracting may amount to a maximum of 70 % of the eligible budget.

## Section IV

### Aid schemes

#### Article 14. *Types of aid*

1. The contributions will be made as a subsidy and will be awarded on a competitive basis, in accordance with the scheme set out in articles 3(2) and 22(1) of Law 38/2003.
2. The aid will take the form of a monetary contribution for the development of the idea or project selected and will subject the beneficiary to compliance with the obligations and conditions stipulated in these regulations and the conditions for acceptance of the aid.
3. Aid shall be requested for annual or multiannual actions, under the conditions established in Article 7.

#### Article 15. *Amount of aid.*

1. The amounts of aid provided for in these guidelines shall be as follows:

a) In the case of Ideas, the aid will consist of a fixed and invariable amount of fifteen thousand euros (15.000 euros) and the possibility of accessing the services of incubation of the idea or advice to facilitate the business growth of the said idea, established in the territorial headquarters of the incubator-accelerator associated with the Plan to Promote Entrepreneurship for Innovation in the Port Sector "Ports 4.0", located in A Coruña, Algeciras, Alicante, Barcelona, Bilbao, Cartagena, las Palmas, Madrid, Málaga, Palma, Santander, Seville, Valencia and Vigo.

b) For Projects in the pre-commercial phase, support will consist of a maximum amount of 60% of the costs associated in the project budget with the innovation component, with a maximum limit of one million euros (1.000.000 euros), and the possibility of accessing the incubation-acceleration or consultancy services to accelerate business growth and ensure the success of the project, established in the territorial headquarters of the incubator-accelerator associated with the Plan to Promote Entrepreneurship for Innovation in the Port Sector "Ports 4.0", listed in point a) of this section. Projects involving the allocation of aid of less than fifty thousand euros (50.000 euros) will not be considered.

(c) For Projects in the commercial phase, support will consist of a maximum amount of 80% of the costs associated in the project budget with the innovation component, with a maximum of two million euros (2.000.000 euros), and the possibility of accessing acceleration or advisory services to accelerate commercial deployment, the growth and ensure the business success of the project, established in the territorial headquarters of the incubator-accelerator associated with the Plan to Promote Entrepreneurship for Innovation in the Port Sector "Ports 4.0", listed in point a) of this section. Projects involving the allocation of aid of less than one hundred thousand euros (100.000 euros) will not be considered.

2. The amounts of aid must additionally fulfil the conditions and limits set out in Commission Regulation (EU) 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union, in order to be exempt from the notification requirement of Article 108(3) of the Treaty, or other Community rules that may be applicable for that purpose.

#### *Article 16. Compatibility and cumulation of aid*

The aid may be compatible with the receipt of other aid from any national or international public or private administration or body, obtained before or after the decision to grant the subsidy, provided that it does not involve the double allocation of costs, does not exceed the cost of the subsidised activity, and does not exceed the limits or maximum amounts of aid permitted by the applicable European regulations, which must be credited to the supporting account.

#### *Article 17. Submission of Ideas and Projects*

1. During the period of each call, the presentation of more than one Idea, Project or both by the same beneficiary, individually or in competition with other beneficiaries, is permitted, provided that the projects are not intended to develop the same activity or one of a very similar nature.

2. If, due to budgetary limitations or other objective reasons, the Projects or Ideas that exceed the threshold values are not supported, they may be resubmitted in successive calls for proposals.

3. Each Idea or Project that is chosen may be eligible for the maximum funding established in Article 15 of this order for each type of Idea or Project, provided that it does not involve the double allocation of costs, does not exceed the cost of the subsidised activity, and does not exceed the limits or maximum amounts of aid permitted by the applicable European regulations, which must be credited to the supporting account.

#### *Article 18. Eligible expenses*

1. In accordance with article 31 of Law No 38/2003 of 17 November 2003, eligible expenditure is deemed to be that which clearly corresponds to the nature of the subsidised activity, is consistent with the innovative component of the project, is included in the project budget and is considered necessary for the implementation of the project and is carried out within the maximum time limits stipulated in article 7 of this order or, if less, in the conditions for acceptance of the aid. Under no circumstances may the acquisition cost of the eligible expenditure exceed the market value.

2. Expenditure shall be deemed to have been incurred if it has actually been paid before the expiry of the period stipulated in article 7 of this order.

3. The following shall be considered as eligible expenditure under these regulations, provided that they correspond to the innovative component of the project:

(a) Staff costs: research, technical and other auxiliary staff, insofar as they are dedicated to the project.

(b) Costs of tools, equipment and material that can be inventoried, to the extent that and for such a period that they are used for the project. If the equipment and materials are not used for their full life for the project, only the depreciation costs corresponding to the duration of the project, calculated in accordance with generally accepted accounting principles, will be considered eligible. In the case of inventory material, the beneficiary must use the goods for the specific purpose for which the aid was granted for a minimum period of five years in the case of goods that can be entered in a public register and three years from the end of the project in the case of other goods, with the exceptions laid down in article 31(5) of Law No 38/2003 of 17 November 2003.

(c) Costs of contractual research, technical knowledge, patents acquired or licensed from external sources on a fully competitive basis, costs of applying for and maintaining patents and other industrial property rights and insurance, as well as costs of consultancy, audit and equivalent services intended exclusively for the project.

(d) Overheads directly related to the project.

(e) Investments in equipment.

(f) Other additional operating costs, including rental costs, fees, materials, supplies and similar products directly derived from the project activity.

(g) Costs associated with the technical and material development of the prototypes and pilots, as well as the technological components associated with them. Likewise, costs related to the updating, maintenance and repair of the prototypes or pilots implemented in one or more actors of the port-logistics community will be considered eligible.

(h) Taxes when they are actually paid by the beneficiary of the aid during the period of implementation of the project as set out in these regulations, in the decision granting the aid or in the conditions for acceptance of the aid. Under no circumstances will indirect taxes be considered eligible when they are susceptible to recovery or compensation, nor will personal income taxes.

(i) Indirect costs shall be regarded as eligible expenditure where they are charged by the beneficiary to the subsidised activity on a pro rata basis, for the part which reasonably corresponds to the period during which the activity is actually carried out, in accordance with generally accepted accounting principles and standards.

4. Financial costs and investment costs for land, building, civil engineering and other real estate investments are not eligible expenditure. For these purposes, the technical and material development of prototypes or pilot projects in a real environment, including those



corresponding to projects associated with new construction materials, techniques or construction methods, in accordance with article 18(3)(g) of this order, will not be considered to be civil engineering expenditure and will therefore be eligible for aid.

## **SECTION V**

### **Communication**

#### *Article 19. Electronic communications.*

1. In accordance with article 14 of Law 39/2015 of 1 October, the communications of all the actions carried out by the competent bodies in relation to the aids regulated in this order will be carried out by electronic means, with some exceptions.

2. The use of the established electronic means shall also be compulsory for the submission of applications, submissions and communications by the persons concerned. The system of identification and electronic signature of the interested parties must comply with the requirements established in articles 9 and 10 of Law 39/2015.

In turn, the documents to be provided by the interested parties must be in a non-editable electronic format (e.g. PDF) with properties and technical characteristics compatible with the enabled electronic site.

2. Nevertheless, in the case of applicants for Ideas grants who are individual (natural persons), in accordance with the provisions of article 14 of Law 39/2015, such applicants may opt to communicate by non-electronic means at any time, in which case applications shall be addressed to Puertos del Estado (Avda. del Partenón, 10 - 28042 Madrid) and may be submitted in accordance with the provisions of article 16.4 of Law 39/2015 and notifications shall be made in accordance with the provisions of articles 41.3 and 42 of said Law.

3. In accordance with article 45(1)(b) of Law No 39/2015 of 1 October, the acts forming part of the procedure for the granting of aid by way of a competitive basis shall be published, and shall have the effects of a notification.

In this sense, the publication of the proposal for a provisional decision, a proposal for a final decision and a final decision to grant aid will be made through the website ([www.ports40.es](http://www.ports40.es)). In any case, the lists of applicants or beneficiaries included in these procedures will be published to ensure that they are publicised, in accordance with current legislation on personal data protection.

## Section VI

### Rules for the granting procedure

Article 20. *Initiation of the granting procedure. Applications.*

1. The procedure for granting the subsidies regulated in this order will be granted on a competitive basis, in accordance with the provisions of Chapter 1 of Title I of Law 38/2003, of 17 November, and Chapter II of Title I of its Regulations, with the characteristics established by these regulatory guidelines.

2. For the purposes provided for in article 23 of Law 38/2003 of 17 November, this order constitutes the act of initiation of the procedure for the award of the subsidies regulated in this order, which will be published in the National Subsidies Database (BDNS) on the website of the Ministry of Transport, Mobility and the Urban Agenda and on the website created for this purpose called [www.ports40.es](http://www.ports40.es), as well as an extract from it in the Official State Gazette (BOE) in accordance with the provisions of <sup>[30]</sup> section b) of Article 17.3 of Law 38/2003.

3. In accordance with the provisions of article 19.1 of this order, the application of those interested in obtaining the aid regulated in this order will be made compulsory via the forms defined in the annexes of this order and available on the web platform [www.ports40.es](http://www.ports40.es)

The submission of the application and the documents that must accompany it will be made electronically through the electronic register of the electronic headquarters of the Ports of the State (<https://sede.puertos.gob.es>) and the application must be signed electronically by the natural person or by the duly accredited legal representative of the legal person. The request must include the electronic address designated by the applicant for notices of particular notices or notifications.

In accordance with the provisions of article 19.2 of this order and Article 66.1.b) of Law 39/2015, of 1 October, applicants for aid for Ideas who are individuals and who choose to submit their application by non-electronic means must also do so using the forms defined in the annexes to this order and identify the address or physical place where they wish the notifications to be made. Additionally, they may provide their e-mail address so that they can be notified.

4. In accordance with the provisions of article 19.1 of this order, and without prejudice to the provisions of article 19.2 of this order for applicants for Ideas grants who are natural persons, the applications of the interested parties and the documentation attached to them shall be submitted in the following terms:

(a) Applications for Ideas: within two months from the day following the publication of the extract from the call referred to in the second final provision of this order.

(b) Applications for projects: within three months of the day following publication of the extract from the call referred to in the second final provision of this order.

*Article 21. Documentation required for applications*

1. The documentation required for the application for aid for ideas will be provided by those interested in the following two areas, which may be submitted in either Spanish or English:

a) Administrative area to include:

1. VAT number of the legal entity or NIF/NIE/National Identification in the case of a natural person. In the case of a legal person, it may be replaced by a declaration that it is responsible for being established or that it undertakes to be established. If there are multiple beneficiaries, the CIF, NIF or declaration responsible for each of them as appropriate. In the case of a number of beneficiaries, the convention or agreement setting out the rights and obligations of the participants must be provided, as well as the appointment of the group's coordinator, representative or sole agent, with sufficient powers to fulfil the group's obligations as a beneficiary.

2. Declaration that they are responsible for complying with their tax and social security obligations in the country where they are resident.

3. Declaration by all members or legal representatives that they are not subject to any of the prohibitions provided for in paragraphs 2 and 3 of article 13 of Law 38/2003 of 17 November. The model of the declaration of responsibility is found in Annex II of this order.

4. In accordance with the provisions of article 33 of the Regulation implementing Law 38/2003, of 17 November, the applicant must provide a declaration of not having received concurrent subsidies or, where appropriate, an extensive list of other subsidies, aid, income or public or private resources that could affect compatibility for the same actions that are the object of aid, in accordance with the provisions of article 16 of this order.

b) Technical area that must include a technical report justifying the Idea to be developed based on the evaluation criteria of the proposal established in this order, which includes the definition of the innovative component, the plan for carrying out the proof of concept, as well as the Business Model Canvas of the idea. The following minimum content must be included in the technical report:

1. Description and aim / purpose of the Idea.

2. Alignment of the Idea with the characteristics and requirements of the eligible ideas and projects established in article 6 of this order.

3. The disruptive and innovative nature of the proposed idea, its differential value and the non-existence of its application to the port-logistics sector in both the national and international markets, defining the innovative component.

4.Objectives and management plan for intellectual/industrial property, as well as for patents if they have been registered.

5.Impact of the idea and degree of practical implementation in the port-logistics environment, in society and the economy, as well as in the environment.

6.Business Model Canvas.

7.Plan for carrying out the proof of concept required as a result of the aid and, if applicable, budget for carrying it out and additional financing as well as facilitating actors, including execution time.

8.Proposed means and team. Experience and characteristics of the team members, as well as roles and responsibilities of each of them. Relationships with Universities, technological and research centres, Port Authorities or other companies and actors of the port-logistics community. If you are applying for the intra-enterprise aid group, this must be explicitly stated.

9.Documents or certificates of support issued by Port Authorities or any actor of the port-logistics sector.

An indicative template of the content of the Business Model Canvas can be found in annex III.

The maximum number of pages of the documentation for the technical area may not exceed 50 A4 pages, and should use a body of 11 letters.

Accepted proposals must make a visual presentation lasting no longer than 10 minutes, which will support the public presentation or pitch provided for in article 22.4 of this order.

2. Documentation required for the application of aid for Projects in the pre-commercial and commercial phase:

The necessary documentation will be provided by the interested parties in the following two areas, which may be presented in either Spanish or English:

a) Administrative area to include:

1.VAT number of the legal person, which may be replaced by a declaration that it is responsible for incorporation or an undertaking to incorporate. In the case of multiple beneficiaries, the VAT number or declaration of responsibility of each of them as appropriate. In the case of multiple beneficiaries, the convention or agreement setting out the rights and obligations of the participants must be provided, as well as the appointment of the coordinator, representative or sole agent of the grouping, with sufficient powers to fulfil the obligations which, as a beneficiary, correspond to the grouping.

2. Declaration of responsibility to be up to date in the fulfilment of their tax and social security obligations in the country where they are domiciled.

3. A declaration by all members or legal representatives that they are not subject to any of the prohibitions set out in article 13(2) and (3) of Law 38/2003 of 17 November. The model of the declaration of responsibility is found in annex V of this order.

4. In accordance with the provisions of article 33 of the Regulation implementing Law 38/2003, of 17 November, the applicant must provide a declaration of not having received concurrent subsidies or, where appropriate, an extensive list of other subsidies, aid, income or public or private resources that could affect compatibility for the same actions that are the object of aid, in accordance with the provisions of article 16 of this order.

5. In the case of projects that are in the pre-commercial phase that involve the development of prototypes or pilots in a real environment, an agreement signed between the beneficiaries and facilitators in which the conditions and commitments between both parties are established.

b) Technical area which must include a technical report justifying the project to be developed based on the evaluation criteria of the proposal established in this order. The technical report must have the following minimum content:

1. Presentation of the legal person/s, indicating if it is a Start-up, a Spin-off, a SME or a consolidated company, as well as a brief description of the technological background of the company and, if applicable, of the intellectual or industrial property rights it holds.

2. Description and purpose of the Project.

3. Alignment of the project with the characteristics and requirements of the eligible projects established in article 6 of this order.

4. Disruptive or innovative nature of the proposed project and the non-existence of its application in the national and international market for the port-logistics sector, defining the innovative component in terms of content and costs.

5. Impact of the project and degree of practical implementation in the port-logistics environment, in society and in the economy, as well as in the environment.

6. Objectives and management plan, where appropriate, of intellectual or industrial property rights, as well as patents.

7. The presentation of the proofs of concept, prototypes or pilots developed or other actions that allow the identification of the level of technological maturity in which the Project is in order to define its level of technological maturity in accordance with article 3 of this order, which will be indicated for merely indicative purposes by the applicant.

8. In the event that the Project is in a pre-commercial phase, a plan for the realisation of the demonstration in prototype or pilot in an operational environment is required as a result of the assistance, and identification of the Project's facilitating actor(s) for the purposes of article 11.2.b). 11. of this order, including time frame for the execution of the prototype and characteristics of the facilitation (installation, data, ...)

9. Means and entrepreneurial team. Experience, characteristics and management capacity of the entrepreneurial team involved in the project, as well as the roles and responsibilities of each of them. In addition, the disclosure of relationships with universities, technology centres, port organisations or other companies and actors of the port-logistics community.

10. Project implementation period.

11. Budget broken down by items according to the identification of eligible and non-eligible expenses, specifically indicating those corresponding to the innovative component. Financial viability and financing plan of the project, indicating the financial support committed by third party companies or organisations and, in particular, among others, by financial institutions, investment funds or local investors. Likewise, it will be indicated whether it has committed financing from one or several port authorities or other actors of the port-logistics community.

12. Breakdown and justification of the subcontracting, detailing the activities and tasks to be subcontracted, as well as their estimated budget. In the case of collaboration with research bodies, technology centres or universities, the activities to be carried out within the scope of the project must be detailed.

13. Documents or certificates of support issued by port authorities or other actors of the port-logistics sector.

14. A five-year business plan for the project, in accordance with the template provided in Annex VI.

15. Provision of the required aid and justification with respect to the aid scheme established in this order.

16. A detailed temporary plan for the application for payment of the aid, indicating, where appropriate, specifically which of these deadlines are binding for the purposes of acceptance of the aid. Requests for advance payments of more than 40 % of the grant awarded for the project will not be accepted.

17. Commitment to launch the product, service or process on the market, considering that the technological maturity, the objective of the aid received, and the fulfilment of the conditions and deadlines established in the business plan and in the intellectual/industrial property management plan provided have been achieved.

The maximum number of pages of the documentation corresponding to the technical area may not exceed 100 A4 pages, and should use a body of letter 11.

Accepted proposals must make a presentation of the project for a maximum duration of 15 minutes, which will support the public presentation or pitch provided for in article 22.4 of this order.

*Article 22. Instruction and decision of the granting procedure.*

1. In accordance with article 24.1 of Law 38/2003, of 17 November, the Innovation Area of the Directorate of Planning and Development of Ports of the State is designated as the competent body for the instruction of the procedure for the granting of the aid regulated in this order.

2. The technical office for the management of the business plan for innovation in the Port Sector "Ports 4.0" will assist the investigative body referred to in the previous section in the instruction of the procedure.

3. If the application does not meet the requirements established in this order, and especially those set out in article 21, and the defects it presents are of a nature to be rectified, the investigating body shall draw up a proposal for an injunction to rectify the situation, indicating precisely the aspects of the documents to be addressed and, where appropriate, the documents to be provided. In view of this proposal, in accordance with the provisions of article 23.5 of Law 38/2003, of 17 November, the investigating body will request the interested party to correct their application within a maximum and non-renewable period of 10 days, indicating that if they do not do so, they will be considered to have withdrawn their application, following a decision that must be issued by the investigating body in the terms provided for in article 68 of Law 39/2015, of 1 October.

4. Interested parties whose applications have been accepted shall make a public presentation (or pitch open to the public) of their Ideas and Projects before the examining body.

5. In accordance with the provisions of the agreement of the Inter-Port Compensation Fund Distribution Committee creating the "Ports 4.0" Fund, the evaluation of the applications of interested parties will be carried out by a technical committee with the following composition:

(a) Chairman: The Director of Planning and Development of the Ports of the State

(b) Members: the persons responsible for innovation appointed by each of the port authorities.

(c) Secretary: the head of the Area of Innovation of State Ports of the Directorate of Planning and Development.

In order to evaluate the applications of the interested parties, the technical committee shall issue a reasoned report on the priority of the applications admitted in accordance with the assessment criteria established in article 23 of this order, the budgetary allocations provided

for in this order for Ideas and Projects in the pre-commercial phase and Projects in the commercial phase, and the Fund's liquidity possibilities. The Commission shall make the payments dependent on the annual contributions agreed upon by the Distribution Committee of the Inter-Party Compensation Fund in relation to the temporary distribution of payments included in the applications of the persons concerned, taking into account the conditional or non-conditional nature of the payments that the persons concerned have indicated in their applications for the purpose of accepting aid. In the event of a tie in accordance with the assessment criteria of article 23.1 of this order, the provisions of article 23.3 of this order shall apply.

6.Regarding the granting of aid, the technical committee will not positively evaluate those Ideas and Projects that do not meet the requirements established in article 23.2 of this order.

7. In accordance with the provisions of article 22.1 of Law 38/2003, of 17th November, the resolution adopted by the Inter-Port Compensation Fund Distribution Committee, in view of the reasoned report of the technical committee referred to in the previous sections, shall constitute the proposal for the granting of the subsidies regulated by this order, which the investigating body shall formulate as a proposal for a provisional resolution of the procedure for granting the above for the purposes provided for in article 24.4 of Law 38/2003, of 17th November.

8. The proposal referred to in the previous section will be published on the website [www.ports40.es](http://www.ports40.es), and this publication will have the effect of notifying the interested parties, who in turn will have a period of 10 days to respond. The file will contain the report of the investigating body, which will state that the information in its possession shows that the beneficiaries meet all the necessary requirements for access.

9. After examining the submissions, the Distribution Committee of the Inter-Port Compensation Fund shall constitute the proposal for the award of the aid, which shall be formulated by the investigating body as a proposal for a final decision. This proposal shall be notified individually to each of the interested parties together with the conditions for acceptance of the aid, who shall be required simultaneously to accept unconditionally the amount and its conditions within a period of 10 days, which shall include, where appropriate, the commitment to market launch as appropriate in accordance with the provisions of article 21.2(b).17 of this order.

10.In accordance with the provisions of article 10.1 of Law 38/2003 of 17 November, the final decision on the award of aid will be taken by the President of the Ports of the State, in accordance with the proposal of the Committee for the Distribution of the Inter-Port Compensation Fund.

11.The final decision shall be in accordance with the provisions of article 25 of Law 38/2003, of 17 November, Article 62 of its regulations, and this paragraph.



The decision shall be reasoned with reference to the grounds contained in this order and the reports issued during the instruction of the proceedings.

In the case of estimated applications, at least the following information shall be provided:

- (a) The identity of the beneficiary or beneficiaries of the aid granted.
- (b) the idea or project being granted, with an indication of its main characteristics.
- (c) The result of the assessment carried out.
- (d) amount and type of aid granted.
- (e) the technical and/or economic conditions which the idea or project for which the aid is granted must meet.
- (f) The general conditions and the specific conditions laid down for each aid and, in particular, the commitments to launch it onto the market in accordance with article 21(2)(b)(17) of this order. The beneficiaries of those projects that do not achieve the level of technological maturity established as the objective of the aid received and which, therefore, make it impossible to generate rights of any nature or business income or to market the product, service or process developed under the committed conditions, terms and deadlines associated with the fulfilment of objectives, shall be exempted from fulfilling the obligations undertaken with regard to those commitments.

In the case of applications that are rejected, the reason for rejection shall be given, indicating, where appropriate, whether any of the thresholds laid down in article 23 of this order has not been reached.

For the purposes of article 63.3 of Law 38/2003 of 17 November, the resolution shall contain, if appropriate, an orderly list of all the applications which, in compliance with the administrative and technical conditions established in the terms and conditions contained in this document for acquiring the status of beneficiary, have not been estimated because the maximum amount of the credit established in this call for applications or the Fund's liquidity possibilities referred to in Section 5 of this article have been exceeded, with an indication of the score given to each of them in accordance with the assessment criteria set out in the resolution.

Against this resolution, which puts an end to the administrative procedure, an optional appeal for reversal may be lodged with the body that issued it, in accordance with the provisions of articles 123 and 124 of Law 39/2015 of 1 October.

Nevertheless, against the resolution of the concession procedure and, if applicable, against the resolution of the optional appeal for reversal, a administrative appeal may be filed with the Central Courts of Administrative Disputes, within two months if the resolution is express, or within six months if it is not, in accordance with the provisions of articles 9.1.c) and 46 of Law 29/1998, of 13 July, regulating the administrative jurisdiction.

When the resolution of the concession procedure has been appealed for reconsideration, no administrative appeal may be lodged until the reconsideration appeal has been expressly resolved or through the implied rejection of the request.

12. The maximum period for resolving and publishing the resolution of the procedure is six months from the publication of the call. Once this period has elapsed without an expressed decision having been published, the interested parties may consider their applications to be rejected for the purposes of articles 24 of Law 39/2015 of 1 October and 25.5 of Law 38/2003 of 17 November.

13. The aid granted will be published in the National Grants Database in accordance with <sup>[46]</sup> article 20 of Law 38/2003 of 17 November.

*Article 23. Criteria for the evaluation of Ideas and Projects.*

1. Applications for Ideas and Projects grants, once accepted, shall be evaluated according to the following criteria:

a) For Ideas:

Criterion	Description	Weighting
Alignment of the Idea with the characteristics and requirements of the eligible Ideas provided for in article 6 of this order	The strength of the contribution of the idea to the development or improvement of the areas of port-logistics activity and which clearly responds to one of the challenges of the port-logistics ecosystem eligible for aid will be assessed	0-10
Disruptive and innovative character of the Idea, its differential value and the non-existence in the national and international market of its application to the port-logistics sector, defining its innovative component.	It will be assessed qualitatively and quantitatively whether the idea contains a tangible innovative component, at least in terms of its scope, content and costs. The proposed technology and its differential value will also be assessed, as well as the technical challenge.	0-20
Impact of the Idea and degree of practical implementation on the port-logistics environment, on society and the economy, as well as on the environment	The potential that the idea could have (processes, efficiency, new services, cost reduction, etc.) and its social and environmental impact, as well as on the port-logistics environment, will be assessed.	0-15
Business Model Canvas	Each of the established hypotheses will be assessed in the Canvas:	0-20

	<ul style="list-style-type: none"> <li>- Customer segmentation (2 points)</li> <li>- Customer relations (2 points)</li> <li>- Distribution and communication channels (2 point)</li> <li>- Value proposal (4 points)</li> <li>- Key activities (2 points)</li> <li>- Key resources (2 points)</li> <li>- Partners (2 points)</li> <li>- Cost structure (2 points)</li> <li>- Revenue flow (2 points)</li> </ul>	
Plan for carrying out the Proof of Concept (PoC) and, where appropriate, budget for carrying it out and additional funding, as well as facilitating actors.	<p>The technical and economic feasibility of the planned roadmap will be assessed, taking into account the clear statement of:</p> <ul style="list-style-type: none"> <li>- Calendar</li> <li>- Resources available to the PoC, including additional funding from public actors or private.</li> <li>- Scalability in more than two ports or actors of the port-logistics sector in less than a year.</li> <li>- Commitment of the facilitators</li> </ul>	0-15
Entrepreneurial team	The technical qualification, professional experience and training of the entrepreneurial team will be valued in relation to the proposed application and the definition of the role and responsibilities of each team member within the development of the idea and their relations with universities, technological centres and research centres, with port organisations or other companies and agents of the port-logistics community.	0-10
Documents or certificates of support issued by port authorities or any agent of the port-logistics sector.	Support for the idea from other institutions (universities, business schools, specialists with outstanding track record in the port area, port authorities, actors from the port-logistics sector, ...) will be valued, as well as the characteristics of such support.	0-10

b) For Projects:

Criteria	Description	Mark
Alignment of the project with the characteristics and requirements of the eligible projects provided for in article 6 of this order.	The strength of the project's contribution to the development or improvement of the areas of port-logistics activity will be assessed and will clearly respond to one of the challenges of the port-logistics ecosystem eligible for aid	0-10
Disruptive or innovative character of the proposed Project, its differential value and the non-existence in the national and international market of its application to the port-logistics sector, defining its innovative component.	It will be assessed qualitatively and quantitatively whether the project contains a tangible innovative component, at least in terms of its scope, content and costs. The proposed technology and its differential value will also be assessed, as well as the technical challenge and the clarity of the proposal. The objectives and the management plan, if any, of the intellectual/industrial property and patents will also be assessed.	0-15
Impact of the Project and degree of practical implementation on the port-logistics environment, on society and the economy, as well as on the environment	The potential that the project could have (in processes, efficiency, new services, cost reduction, etc.) and its social and environmental impact, as well as in the port-logistics environment, will be assessed	0-10
Business Plan of the Project. Project Risk/Profitability Plan, Risk Mitigation Measures.	The project's business plan will be assessed (business model, income generation and market potential forecast, entry barriers, competition, product advantages and other similar characteristics) The expected rate of return (IRR) over 5 years will also be assessed, as well as the identification of project risks and their realistic impact on the business model, as well as measures for their mitigation.	0-10
Plan for carrying out the demonstration in prototype in the operational environment required as a result of the support for projects in the pre-commercial phase, including identification of facilitating actors with commitments to make their facilities available, as well as characteristics of their facilitation.	The strength and viability of the plan and the adaptation and degree of commitment of the facilitating actors and the characteristics of the facilitation to the needs of the project will be assessed.	0-10

This assessment criterion will not be taken into consideration for projects in the commercial phase.		
Entrepreneurial team.	The management capacity of the entrepreneurial team, the prior competence, training and professional experience in relation to the project will be valued, as well as the degree of commitment and dedication of the technical team and project manager and the capacity to relate	0-10
Financial viability and project financing plan.	The financial viability of the project and the soundness of the project's financing model will be assessed. The existence of financial support committed by companies will also be assessed. Financial institutions and third-party organisations, and particularly by one or more port authorities or other agents of the port-logistics community.	0-10
Documents and support certificates issued by port authorities or other agents of the port-logistics sector.	Support for the project from one or more port bodies or other actors and companies in the port-logistics community will be assessed, as well as the characteristics and intensity of such support.	0-5
Commitment to market launch	<p>The committed deadlines for launching the product, service or process on the market will be assessed, considering that the project's business plan and the intellectual/industrial property management plan, as well as patents, will be complied with. For projects in the commercial phase, 30 points will be assigned if the commitment to market launch occurs within a maximum period of one year from the completion of the subsidized project. The score will be reduced proportionally to zero if the commitment to market launch occurs from the third year after the end of the subsidised project.</p> <p>For projects in the pre-commercial phase, 20 points will be allocated if the commitment to market launch occurs within a maximum period of two years</p>	<p>0-20 points for projects in pre-commercial phase</p> <p>0-30 points for projects in the commercial phase</p>

	from the end of the subsidised project. The score will be reduced proportionally to zero if the commitment to market launch occurs from the fifth year after the end of the subsidised project.	
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2. Ideas and Projects that do not meet the following thresholds shall not be assessed positively for the purposes of granting aid:

(a) have not received at least 60 points

(b) have not obtained at least an average score for each of the evaluation criteria.

3. In the event of a tie, priority will be given to the Idea or Project that has obtained the highest score in the criteria for evaluating the impact of the Idea or Project and the degree of practical implementation in the port-logistics environment, in society and in the economy, as well as in the environment.

## **CHAPTER VII**

### **Rules of monitoring procedure, justification, ex-post analysis and reimbursement of aid**

Article 24. Modification of the conditions for granting aid

In accordance with articles 64 and 86 of the Regulation of Law 38/2003 of 17 November 2003, and provided that the rights of third parties are not infringed, an amendment to the conditions for granting aid may be authorised at the request of the beneficiary only for projects in the pre-commercial and commercial phase when the following circumstances are met

a) The modification does not affect the objectives defined in the resolution to grant the aid, or other aspects that have been decisive for it.

(b) The modification does not involve a change in the beneficiary, except in the cases of change in the beneficiary due to structural modification as provided for in article 12 of this Order.

(c) the modification is due to unforeseen circumstances that could not have been predicted at the time of the application or to changes in the conditions taken into account for the granting of the aid, provided that they do not alter the nature and objectives.

(d) the requested modification does not affect elements which were decisive in the assessment of the beneficiary's application and, in particular, to the market launch commitments offered.

(e) the amendment is requested at least six months before the end of the project implementation period and is explicitly accepted.

(f) the amendment does not entail an increase in the aid granted. In the case of requests for changes to the subsidised expenditure items, they must be requested at the same level of detail as that used in the aid application. Increases in subsidised expenditure of no more than 20% in the subcategories eligible for aid that appear in the resolution granting the aid will be understood to be authorised generally for all beneficiaries, provided that they are offset by decreases in other subcategories and the beneficiary provides adequate justification for the changes.

g) In the event that the modification requested involves an increase in the period of execution of the subsidized project, the increase must not exceed six months, and no new modifications involving an increase in the period of execution of the subsidized project may be authorized.

2. Modification of the conditions for granting aid to Projects may be authorised only once.

3. The body responsible for granting amendments to the granting resolution is the granting body.

The maximum period for deciding and notifying the amendment is thirty working days from the date of the amendment request.

If the maximum period has expired without the interested parties having been notified of the decision, the request for modification of the aid may be deemed to have been rejected.

Against the ruling, which puts an end to the administrative procedure as established by Law 39/2015, of 1 October, an appeal for reversal may be lodged within one month from the day following its notification in accordance with the provisions of the aforementioned Law 39/2015, of 1 October, or an appeal for judicial review, in accordance with Law 29/1998, of 13 July.

Article 25. *Payments.*

Aid granted under this call shall be paid as follows:

a) For Ideas:

1. Ten thousand euros (10,000 euros) within a period of no more than two months from the date of publication of the final decision to grant the aid.

2. Five thousand euros (5,000 euros) upon delivery of the results of the Proof of Concept within the maximum period established.

b) For Projects:

In accordance with the conditions for acceptance of the grant, in application of the detailed temporary plan for applying for payment of the aid and the availability of liquidity in the Fund, on presentation of the supporting documents for each payment provided for in the conditions for acceptance of the grant.

The beneficiary of aid for ideas or projects must not provide any guarantee in cases where they receive advance or interim payments.

*Article 26. Justification of the grant received.*

1. Justification of compliance with the conditions imposed and the achievement of the objectives laid down in the act of granting the aid regulated by this Order will be provided by means of the procedures laid down in article 30 of Law 38/2003 of 17 November 2003 and its regulations.

Beneficiaries are required to submit the supporting documents within a maximum of three months from the end of the project implementation deadline, as detailed below:

2. The scientific and technical justification shall consist in the presentation of a report justifying compliance with the conditions established for the granting of aid, indicating at least the activities carried out, the results obtained, the level of technological maturity achieved and the degree of compliance with the actions to which the financed action relates, where applicable. In accordance with the provisions of article 72.3 of the Regulation of Law 38/2003, of 17 November, the account justifying the subsidies for Ideas will consist exclusively of the scientific-technical justification provided for in this section, which will include compliance with the required proof of concept.

The economic justification will be made by means of a report justifying the cost of the activities carried out, which may adopt one of the following forms of supporting account: ordinary or with the provision of an auditor's report. The use of one or the other type shall be governed by the following rules:

a) The content of the ordinary supporting account shall be governed by the provisions of article 72.2 of the Regulations of Law 38/2003, of 17 November, insofar as it is applicable by virtue of the object or nature of the project.

b) The content of the supporting account with the provision of an auditor's report shall be governed by the provisions of article 74 of the Regulations of Law 38/2003, of 17 November, and shall contain a summary financial report with the content of sections a), d), e), f) and g) of Article 72.2.



The auditor's report will be in accordance with the provisions of order EHA/1434/2007, of 17 May, which approves the rules of action for auditors in carrying out work on the auditing of accounts justifying subsidies, in the sphere of the public sector, as provided for in article 74 of the Regulation implementing Law 38/2003, of 17 November.

When the beneficiary is obliged to have its annual accounts audited by an auditor subject to Law 22/2015 of 20 July on the Auditing of Accounts, the review of the supporting account will be carried out by the same auditor, or by another, provided that it is registered in the Official Register of Auditors.

3. However, beneficiaries may be asked to provide a technical and/or economic report on the progress of the project, if this is considered necessary to verify compliance with their obligations, in addition to the documentation laid down in the conditions of acceptance of the aid for the purpose of authorising payments.

4. In any event, beneficiaries shall keep all invoices and other documents proving the expenditure and payments covered by the aid which they have incurred for a period of four years, and shall keep them at the disposal of the granting authority, which may require them for verification at any time.

*Article 27. Technical-economic monitoring or verification of performance.*

1. The sub-directorate for Management Control and Auditing of Ports of the State, following a report from the Innovation Area, will verify directly, through external bodies or by contracting an external audit, the fulfilment of the idea, or project that is the object of the aid and that it has been applied to the specific purpose for which it was granted in the terms set out in the conditions for granting the aid. This verification must be based on the review and assessment of the technical and economic supporting documentation, in particular the supporting accounts submitted. It may also be based on objective indicators established for the purpose and publicly available, on face-to-face presentations or on visits to beneficiaries. To this end, any verification action deemed appropriate to verify compliance with the technical and economic conditions required of the beneficiary may be carried out.

2. After the corresponding technical-economic verification, the sub-directorate of Management Control and Audit of Ports of the State will issue a certification attesting to the fulfilment of the objectives that justified the granting of the subsidy. This certification will determine the origin of the payments made of the subsidy or, where appropriate, their reimbursement, in accordance with the provisions of article 37 of Law 38/2003 of 17 November.

If the checks carried out by Ports of the State show that the economic justification for the eligible expenditure has been less than that initially approved, the aid granted shall be reduced by adjusting the amount to the expenditure actually justified or reimbursement of the aid in full shall be sought if the purpose for which it was granted is not fully or partially fulfilled.

## Article 28. *Ex-post analysis of the proceedings*

In order to evaluate the degree of compliance with the objectives established in this order, the Innovation Area of the State Ports Planning and Development Directorate will carry out an ex-post analysis of the ideas and projects subsidized. Said analysis will be based on the collection of information about the evolution of the ideas and projects from the subsidy received and, particularly, of the economic and technical results obtained from the effect of the subsidy and will also serve to monitor compliance, if applicable, with the market launch commitments offered.

To this end, beneficiaries must provide the necessary information for the preparation of profitability/risk reports and the expected results of each Idea or Project supported. To this effect, at the end of the Idea or Project, the beneficiaries must complete, together with the scientific-technical justification and the justification account provided for in article 26 of this order, a questionnaire on the results obtained and the changes derived from the Idea or Project.

2. The procedure of the previous paragraph may be repeated after two years after the eventual commercialization of the results of the Idea or Project or until the time that the offered commitments to market launch have effects. The information collected shall be treated in an aggregate way in order to build a report with the main impact result indicators of the call and to produce a statistical analysis about the main results and effects achieved by the call. This report will be passed on to the Distribution Committee of the Inter-port Compensation Fund.

## Article 29. *Reimbursement and loss of right to payment*

1. The aid received shall be reimbursed, together with the relevant interest on arrears, in the cases provided for in articles 36 and 37 of Law 38/2003 of 17 November 2003, and shall be governed by the provisions of Title II of that Law and Title III of its regulations, following the appropriate infringement proceedings / breach.

In the event that the period established for the presentation of the scientific-technical and economic justifications, in accordance and under the terms of article 26 of this order, has not been presented, the beneficiary will be required to present it within a non-renewable period of 10 days. Failure to submit the justification within the period established in this section will result in the requirement for reimbursement and other responsibilities established in Law 38/2003, of November 17.

2. The right to total or partial collection of the subsidy will be lost in the event of lack of justification or concurrence of any of the causes provided for in article 37 of this Law 38/2003, of 17 November.

The right to receive all or part of the aid will be lost and all or part of the sums received will be returned when it becomes clear that the requirements for obtaining the status of beneficiary laid down in <sup>[61]</sup> article 13 of Law 38/2003 of 17 November, or when the

provisions of Articles 18 and following of the Regulations of Law 38/2003 of 17 November, have not been met, either from the time the aid is granted or in a supervening manner.

There will also be the loss of the right to the total or partial collection of the aid and the total or partial refund of the amounts received when it becomes evident that the conditions for granting aid to each Idea or Project have not been met.

In these cases, the beneficiary will be required to provide the documentation within 10 days. Failure to do so will result in the loss of entitlement to the aid.

3. Failure to achieve a positive result in the proofs of concept, prototyping or piloting required in these guidelines, respectively for Ideas and Projects, or at the levels of technological maturity or in the conditions for marketing the product, service or process that is the object of the project established as an objective, shall not be grounds for repayment of the aid received, provided that non-compliance with the conditions established in the resolution granting the aid is not evident.

*Article 30. Criteria for grading non-compliance.*

1. Total or partial non-compliance with the requirements and obligations established in this order, in Law 38/2003 of 17 November and its Regulations, in European regulations and other applicable rules, as well as the conditions established in the corresponding granting decision, will result in the loss of the right to receive the aid and the obligation to return it, in accordance with the provisions of article 29 of this order.

2. The criteria for grading non-compliance shall be as follows:

(a) Complete and clear failure to meet the objectives for which the aid was granted, as established through the monitoring, control and verification mechanisms, shall result in the total repayment of the aid and, where appropriate, in the loss of the right to recover any sums due.

In particular, the objectives shall be deemed not to have been met if at least 66 % of the activities, expenditure and investments foreseen in the project have not been carried out.

(b) Failure to comply with the partial objectives or specific activities determined through the monitoring, control and verification mechanisms shall entail the return of that part of the aid allocated to them and, where appropriate, the loss of the right to the recovery of the amounts still to be received.

(c) Where authorisation is required for amendments to the eligible budget, failure to comply with the authorisation requirement shall result in the refund of the amounts misappropriated.

(d) Failure to submit the monitoring reports shall entail the return of any amounts received and not justified and, where appropriate, the loss of the right to the collection of any amounts still due.

(e) Failure to submit any documents, in the case of subcontracting or in the case of public sector beneficiaries, shall result in a reduction of the aid by an amount equivalent to that not justified on this ground and without prejudice to the provisions of European regulations in those cases where they apply.

f) Failure to comply with the obligation to publicise the aid granted, under the terms of article 31.3 of the Regulation of Law 38/2003, of 17 November, and with the terms of acceptance of the aid, as well as with the obligation to carry out the necessary publicity on the part of the beneficiaries of subsidies in accordance with the obligations of active publicity established in Law 19/2013, of 9 December, on transparency, access to public information and good governance, and its implementing regulations, will result in the partial repayment of 2% of the amount of the aid granted.

However, and without prejudice to the provisions of European regulations and any sanctions that may be imposed, if the obligations established in this letter are not complied with and if it is still possible to comply with them under the established terms, or if corrective actions can be taken for the lack of publicity, the granting body shall require the beneficiary to adopt the relevant dissemination measures within a period not exceeding fifteen working days, with express warning of the consequences that may arise from such non-compliance by application of article 37 of Law 38/2003 of 17 November.

However, and without prejudice to the provisions of European regulations and any sanctions that may be imposed, if the obligations established in these guidelines are not complied with and if it is still possible to comply with them under the stipulated terms, or if corrective actions can be taken to correct the lack of publicity, the granting body will require the beneficiary to adopt the relevant publicity measures within a period of no more than fifteen working days, with warning of the consequences that may arise from such non-compliance by application of article 37 of Law 38/2003, of 17 November.

#### *Article 31. Breaches of market-launch commitments by the beneficiary*

Where the justification submitted by the beneficiary or the monitoring, analysis, verification and control measures carried out show that the conditions for the market-launch commitments referred to in article 21(2)(b) 17 and 22(11)(f) of this order have been fulfilled, Ports of the State shall initiate the appropriate measures, in cooperation with the beneficiary, to ensure that these commitments are implemented.

2. If the beneficiary does not provide its cooperation for the purposes of the previous paragraph or fails in any way to comply with the obligations offered for this purpose in the subsidy application and included in the decision granting the accepted aid, Ports of the State shall initiate the procedure for repayment.

3. For the purposes of the provisions of this article, any dispute arising from the obligation of the beneficiary to make the market launch commitments referred to in articles 21.2.b) 17th and 22.11.f) of this order shall be definitively resolved by arbitration administered by the Spanish Court of Arbitration of the Official Chamber of Commerce, Industry, Services

and Navigation of Spain, in accordance with its Regulations and Statute, which is entrusted with the administration of the arbitration and the appointment of the arbitrator or arbitrators.

This submission to arbitration shall be expressly stated in the terms of the subsidies granted to the beneficiaries who have offered market launch undertakings in their applications for the purpose of their expressed acceptance.

*Article 32. Voluntary return of unapplied surpluses.*

In accordance with article 90 of the Regulation of Law 38/2003 of 17 November 2003, beneficiaries may voluntarily repay to Ports of the State any aid not used for the purpose for which the aid was granted. Interest on arrears will be charged from the date of payment of the subsidy until the date of actual repayment by the beneficiary. The default interest applicable will be that provided for in article 38 of Law 38/2003 of 17 November 2003.

*Article 33. Infringements and penalties.*

The system of infringements and administrative penalties applicable shall be that laid down in the Title IV of Law 38/2003 of 17 November.

*Article 34. Withdrawal of the interested parties.*

1. The withdrawal of the interested parties shall be regulated in accordance with the provisions of article 94 of Law 39/2015 of 1 October.
2. Where a withdrawal or resignation occurs, the beneficiary or beneficiaries shall be required to reimburse the aid received in full.

Unique additional arrangement. Applicable regulations.

The aid regulated in this order will be governed, in addition to the provisions of the order and the decision granting it, by any applicable rules in force, and in particular by the provisions of the Law 38/2003 of 17 November 2003 on General Subsidies and its Regulations, approved by Royal Decree 887/2006 of 21 July 2006, Law 39/2015 of 1 October 2006 and Law 40/2015 of 1 October 2005 on the Legal System. The Commission has also been informed of the existence of a number of provisions of the Public Sector Act, Law 19/2013 of 9 December, the Consolidated Text of the Law on State Ports and the Merchant Navy, approved by Royal Legislative Decree 2/2011 of 5 September, and Commission Regulation (EU) 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union.

First final provision. *Competence.*

The present order is issued under the provisions of rules 15.a and 20.a of article 149.1 of the

Constitution, which grant the State exclusive jurisdiction over the promotion and general coordination of scientific and technical research and ports of general interest, respectively.

Second final provision. *Call for applications.*

1. The aid regulated by this order are announced on a competitive basis, for the financial year 2020 only, in accordance with the principles of publicity, transparency, objectivity, equality and non-discrimination, effectiveness and efficiency established in article 8.3 of Law 38/2003, of 17 November.

2. The object; conditions and purpose; requirements; instruction and resolution; documents attached to the application; appeals; assessment criteria and notifications; maximum amount and its financing; as well as all the regulations, are those established in this order.

3. The allocation for the financing of ideas and projects within the framework of this call amounts to twelve million euros (12.000.000 euros) for the duration of the call and will be financed from the Inter-Port Compensation Fund in compliance with the agreement to create the Plan to promote Entrepreneurship for Innovation in the port sector "Ports 4.0", of March 2018.

These financial resources will be distributed as follows:

(a) Ideas: the economic resources amount to five hundred thousand euros (500.000 euros), of which seventy-five thousand euros (75.000 euros) will be allocated to intra-enterprise. Ideas submitted exclusively by working personnel of the Ports of the State and Port Authorities are considered as intra-company business. The possibility of intra-company development is not considered in the category of projects in the pre-commercial and commercial phase.

(b) Projects in the pre-commercial phase: economic resources amount to seven million five hundred thousand euros (7.500.000)

(c) Projects in the commercial phase: economic resources amount to four million euros (4.000.000)

4. The repayments will be made in Ports of the State for their entry into the account of the Inter-Port Compensation Fund and for the purposes established in the Plan to Promote Entrepreneurship for Innovation in the Port Sector "Ports 4.0".

In the case of remainders not applied to the purpose for which the aid was granted, Ports of the State will proceed to deposit these amounts in the account of the Inter-Port Compensation Fund and for the purposes established in the Plan to Promote Entrepreneurship for Innovation in the Port Sector "Ports 4.0".

5. For the purposes of the call, a web page ([www.ports40.es](http://www.ports40.es)) and an e-mail address ([info@ports40.es](mailto:info@ports40.es)) have been set up to which any type of clarification and consultation may be directed. The answer or resolution will be published transparently in the FAQ section of

the page when it is of interest to the rest of the interested parties. This website will be directly accessible through the Ports of the State website ([www.puertos.es](http://www.puertos.es)).

This website ([www.ports40.es](http://www.ports40.es)) has a registration system through which interested parties may register to be informed periodically of the status of the current call, future calls, activities or any other type of information of interest related to the Plan to Promote Entrepreneurship for Innovation in the Port Sector ("Ports 4.0").

6. The call for applications which is made by means of this provision shall take effect on the day following that of the publication of the extract in the Official State Gazette (BOE)

Third final provision. *Entry into force*

This order shall enter into force on the day following its publication in the <<Official State Gazette>> (BOE)

Madrid, xx 2020

The Minister of Transport, Mobility and the Urban Agenda,

José Luis Ábalos Meco

## ANNEX I

### Ideas grant application form

#### 1. CALL DETAILS

Granting authority: PORTS OF THE STATE

Identification code: (...)

Purpose of the call: Plan to promote entrepreneurship for innovation in the port sector ("Ports 4.0")

#### 2. APPLICANT DETAILS (for each person in case of multiple beneficiaries)

Name: (...)

National Identity Document (DNI/CIF/NIE)/Declaration of responsibility for incorporation or commitment to incorporate a legal entity (...)

Address:

Municipality: (...)

Province: (...)

Street: (...)

No.: (...)

Postal Code: (...)

#### 3. COORDINATOR or REPRESENTATIVE (in case of multiple beneficiaries)

#### 4. CONTACT DETAILS

Telephone (...)

E-mail (...)

In accordance with the Order of (...) published in the BDNS dated (...) an extract of which has been published in the BOE No.: (...) dated (...) calling for aid for the Plan to Promote Entrepreneurship for Innovation in the Port Sector ("Ports 4.0") and meeting the requirements for access to these aid under the form of IDEAS.

#### REQUEST

A subsidy for the amount of FIFTEEN THOUSAND (15.000) EUROS for the development of the activity called (...), under the category of IDEA, included in the scope of the call, for which purpose the following documentation is attached:

Tax identification number (from each applicant in case of multiple beneficiaries)



- Accreditation or power of attorney as a legal representative (in case of legal persons)
- Agreement or arrangement setting out the rights and obligations of the participants, including, among others, the amount of the aid to be applied to each participant, and the appointment of a coordinator, representative or sole agent of the group, with sufficient powers to fulfil the obligations of the group as a beneficiary (in the case of multiple beneficiaries)
- Declaration(s) according to Annex II of this order that the interested party is not prohibited from being a beneficiary in accordance with article 13 of the General Law on Subsidies and Article 9 of the Order on Regulatory Bases and that they are up to date with their tax and social security obligations in the country where they are resident, as well as not having received concurrent subsidies.
- Technical area which includes: a technical report justifying the idea to be developed based on the evaluation criteria of the proposal established in the call, which includes the definition of the innovative component, the plan for carrying out the proof of concept (PoC), as well as the Business Model Canvas of the idea according to Annex III of the order of the call and with the minimum content established in Article 21.1.b) of this order.

Date:

Signed: (...) (for each applicant in case of multiple beneficiaries)

## ANNEX II

### **Form for responsible declaration for the application of grants in the category of Ideas (for each of the applicants in case of multiple beneficiaries)**

Name (...) with National Identity Card / NIC: (...) and address in (...), acting in [his own name and right / name and representation of (...), with VAT number not (...) (or Declaration responsible for incorporation or commitment to incorporate) and address in (...) in his capacity as (...) of the same, by virtue of (...), position or power of attorney that ensures sufficient and valid under his responsibility]. (hereinafter also the applicant)

#### STATES UNDER ITS RESPONSIBILITY

to the competent body for the award of the grants announced by Order dated (...) which complies with the requirements set out in article 13.2 of the LGS and in the call for applications so that the right to the grant applied for is recognised and, in particular, that it is not subject to any of the prohibitions for being a beneficiary set out in the aforementioned article 13 of the General Law on Grants which are detailed:

- 1) Not having been sentenced by a final judgment to the penalty of loss of the possibility of obtaining public subsidies or aid or for crimes of prevarication, bribery, misappropriation of public funds, influence peddling, fraud and illegal levies or town planning offences.
- 2) Not having requested the declaration of voluntary bankruptcy, not having been declared insolvent in any procedure, not having been declared bankrupt, not being subject to judicial intervention and not being disqualified in accordance with Law 22/2003 of 9 July, Bankruptcy Law.
- 3) It has not given rise, because of which they have been found guilty, to the firm termination of any contract entered into with the Administration.
- 4) Individuals, directors of commercial companies or those who legally represent other legal entities are not subject to any of the provisions of Law 3/2015, of 30 March, regulating the exercise of senior government positions, or Law 53/1984, of 26 December on incompatibilities of personnel in the service of public administrations, or any of the elective offices regulated in Organic Law 5/1985 of 19 June on the General Electoral System, under the terms established therein or in the autonomous regulations governing these matters.
- 5) Are up to date with your tax and social security obligations.
- 6) Not being a tax resident in a country or territory that is legally classified as a tax haven.
- 7) Do not have pending payments in enforcement proceedings obligations for reimbursement of subsidies.

8)Not having been sanctioned by a definitive ruling with the loss of the possibility of obtaining subsidies by any law.

9)Not have received concurrent subsidies or, where appropriate, an exhaustive list of other subsidies, aid, income or public or private resources that could affect compatibility for the same actions that are the object of aid.

Finally, the declarant declares that they have the documentation that accredits compliance with the above requirements, that they will make it available to the administration when requested to do so, and that they undertake to maintain compliance with the above obligations during the period of time inherent to such recognition or exercise and, in particular, until the grant is collected.

Date:

Signed: (...)

### ANNEX III

#### Business Model Canvas Idea Content Template

Indicative template of the content of the Business Model Canvas of the idea referred to in Article 21.1:

<b>A) Key Partners</b>
<p>Does the entrepreneurial team explore the possibilities of partnerships as a way to incorporate resources, capabilities, gain access to markets or access other elements that will be necessary to move the project forward and lead it to rapid growth?</p> <p>What is the objective of the company?</p> <p>What resources does the company have available and which ones does it need to achieve the proposed objective?</p> <p>What kind of partner could provide the company with the resources it needs?</p> <p>Where could you find such a partner?</p> <p>Is the team able to clearly show how this project generates value for potential partners?</p> <p>Is the argument sufficiently precise and convincing?</p> <p>Does it clearly show why the project will solve a particular problem for the potential partner?</p> <p>Does the team succeed in presenting some concrete evidence of the interest the partner may have in this development (background of other partnerships, preliminary discussions, etc.)?</p>
<b>B) Key Activities</b>
<p>What will be the main activity of the company?</p> <p>What must the company do to build and deliver the value proposition to the customer?</p>

What key activities does the company need to implement (without outsourcing) in order for the business to start earning money? What key activities are needed to deliver our product/service to our customers?

What tasks are necessary to develop loyalty and generate recurrence in the sale to customers?

### **C) Key Resources**

How will the value proposition be made possible?

Is the entrepreneurial team able to demonstrate which of these capabilities are available to them today and which they will develop in the future?

What does the business need to carry out the activity?

What components does the business idea require to create and deliver the value proposition?

What tangible and intangible resources does the business have?

### **D) Value Proposition**

What is the customer's need and what solution does the product/service offer in this respect?

What problem does it help to solve for the potential customer?

What differential value does the product/service offer with respect to others? Does the value proposal make sense for the customer segment to which the product/service is to be offered?

What is the reason why customers are willing to pay?

### **E) Customer relations**

What is the level of relationship that the company will have with each customer segment?

What kind of relationship will the startup have with the customers?

How will they be attracted?

What marketing strategies will the company use to do so? How will they be retained/loyalty?

How will customer loyalty be made profitable?

How will you get your customers to buy more of your products/services?

#### **F) Channels**

How will each value proposition be delivered to your customer segment?

How will you get the product/service to the customer?

What means and supports will be required to deliberate the product/service to the customer?

How will each market segment contact the startup?

Does the distribution channel strategy contribute to increase the competitiveness of the project? Does this strategy contribute to give the project an advantage over the competitors?

Does the proposal consider elements that contribute to limit the portion of the profits that stays in the channel?

#### **G) Customer Segments**

Who's the client?

What type(s) of market and what type(s) of client(s) should the business be aimed at?

For whom does the product/service create value?

What kind of people will buy the product/service?

Is there a sufficiently large number of potential customers? Do we have a clear argument as to what percentage of the target segment we want to reach?

Is there an estimate of the size of the target segment?

#### **H) Cost Structure**

What key elements generate the cost of the company?

What are the necessary costs for the business to start with a guarantee of success?

Is the cost structure clear and the relationship between fixed and variable costs?

Does the model propose a relationship between fixed and variable costs that is different from that of the competitors and creates advantages over them?

What is the role of the speed of resource turnover in the revenue and cost structure?

How many units of the key resources are needed to generate one unit of revenue?

Does the model suggest ways to gain advantage by accelerating these turnover rates?

#### **I) Sources of income**

What are the sources of income?

How will the value proposition be monetized?

How will the company make money?

What price are customers willing to pay and through what formula?

How will customers pay?

What payment systems will be offered to them?

## ANNEX IV

### Application form for grants in the form of Pre-commercial or Commercial Projects

#### 1. CALL DETAILS

Granting authority: PORTS OF THE STATE

Identification code: (...)

Purpose of the call: Plan to promote entrepreneurship for innovation in the port sector ("Ports 4.0")

#### 2. APPLICANT DETAILS (for each of person in case of multiple beneficiaries)

Name: (...)

National Identity Document (DNI/CIF/NIE)/Declaration of responsibility for incorporation or commitment to incorporate a legal entity (...)

Address:

Municipality: (...)

Province: (...)

Street: (...)

No.: (...)

Postal Code: (...)

#### 3. COORDINATOR or REPRESENTATIVE (in case of multiple beneficiaries)

#### 4. CONTACT DETAILS

Telephone (...)

E-mail (...)

In accordance with the Order of (...) published in the BDNS dated (...) the extract of which has been published in the BOE number: (...) dated (...) which calls for subsidies aimed at the Plan to Promote Entrepreneurship for Innovation in the Port Sector ("Ports 4.0") and meeting the requirements to be able to access them under the category of PROJECTS IN THE PRE-COMMERCIAL PHASE (or PROJECTS IN THE COMMERCIAL PHASE).

### REQUEST

A subsidy for the amount of (...) (in letter) (...) (in number) EUROS for the development of the project called (...), under the category of PRE-COMMERCIAL PROJECT (or COMMERCIAL PROJECT), included in the object of the call, for which purpose the following documentation is attached:



- Tax identification number (of each applicant in case of multiple beneficiaries)
  
- Accreditation or power of attorney as a legal representative (in case of legal persons)
  
- An agreement or arrangement setting out the rights and obligations of the participants, including, among other things, the amount of the grant to be applied to each participant, and the appointment of a coordinator, representative or sole agent of the group, with sufficient powers to fulfil the obligations of the group as beneficiary (in the case of multiple beneficiaries).
  
- Declaration(s) according to Annex V of this order that the interested party is not prohibited from being a beneficiary in accordance with article 13 of the General Law on Subsidies and article 9 of the order on rules and regulations and that they are up to date with their tax and social security obligations in the country where they are resident, as well as not having received concurrent subsidies.
  
- Agreement signed between beneficiaries and facilitators setting out the conditions and commitments between both parties (in the case of projects in the pre-commercial phase)
  
- Technical area that includes: a technical report justifying the Project to be developed based on the proposal evaluation criteria established in the call, and with the minimum content established in article 21.2.b) of this order.

Date:

Signed: (...) (for each applicant in case of multiple beneficiaries)

## ANNEX V

### Form for responsible declaration for the application of grants in the modality of Projects

(for each applicant in case of multiple beneficiaries)

Name (...) with DNI/NIE: (...) and address in (...), acting in [their own name and right / name and representation of (...), with CIF (Company Registration number) no (...) (or Declaration responsible for incorporation or commitment to become a legal person) and address in (...) in their capacity as (...) of the same, by virtue of (...), position or power that ensures sufficient and valid under their responsibility]. (hereinafter also the applicant)

#### STATES UNDER ITS RESPONSIBILITY

to the competent body for the award of the grants announced by Order dated (...) which complies with the requirements set out in article 13.2 of the LGS and in the call for applications so that the right to the grant applied for is recognised and, in particular, that it is not subject to any of the prohibitions for being a beneficiary set out in the aforementioned <sup>[82]</sup> article 13 of the General Law on Grants which are detailed:

- 1) Not having been sentenced by a final judgment to the penalty of loss of the possibility of obtaining public subsidies or aid or for crimes of prevarication, bribery, misappropriation of public funds, influence peddling, fraud and illegal levies or town planning offences.
- 2) Not having requested the declaration of voluntary bankruptcy, not having been declared insolvent in any procedure, not having been declared bankrupt, not being subject to judicial intervention and not being disqualified in accordance with Law 22/2003 of 9 July, Bankruptcy Law.
- 3) It has not given rise, because of which they have been found guilty, to the firm termination of any contract entered into with the Administration.
- 4) The directors of commercial companies or those who are legal representatives of other legal entities are not subject to any of the provisions of Law 3/2015 of 30 March, regulating the exercise of the high office of the General State Administration, or Law 53/1984 of 26 December, of incompatibilities of the Personnel in the Service of the Public Administrations, or any of the elective offices regulated in the Organic Law 5/1985, of 19 June, of the General Electoral System, in the terms established in the same or in the autonomous regulations that regulate these matters.
- 5) Are up to date with your tax and social security obligations.
- 6) Not being a tax resident in a country or territory that is legally classified as a tax haven.
- 7) Not to have pending the payment in enforcement proceedings obligations for reimbursement of subsidies.

8)Not having been sanctioned by a firm resolution with the loss of the possibility of obtaining subsidies by any Law.

9)Not have received concurrent subsidies or, where appropriate, a comprehensive list of other subsidies, aid, income or public or private resources that could affect compatibility for the same actions that are the object of aid.

Finally, the declarant declares that they have the documentation that accredits compliance with the above requirements, that they will make it available to the Administration when requested to do so, and that they undertake to maintain compliance with the above obligations during the period of time inherent to such recognition or exercise and, in particular, until the grant is collected.

Date:

Signed: (...)

## ANNEX VI

### Guideline template of Business Plan content for projects in pre-commercial and commercial phase

The templates for the content of the Business Plan for Projects in the pre-commercial and commercial phase referred to in article 21.2(b) of these rules are set out below for guidance:

- A) EXECUTIVE SUMMARY, in which each of the points raised must be clearly and concisely detailed
1. Description of the innovative component
  2. Total financial amount needed to execute the project, specifying the amount corresponding to the innovative component.
  3. Eligible amount requested
  4. Technological verticals to which the project applies
  5. IRR / TIR at 5 years, associated to the project.
- B) CONTENTS, including at least the following information
1. Purpose of the company  
Detail in a statement (recommended 15 words), in a concrete and concise way, the reason why the company matters and why it exists, since this will be one of the main reasons why customers, apart from valuing the product/service, will incur recurring purchases
  2. Problem  
Describe in a coherent and understandable way the challenge you want to solve by developing the project.
  3. Solution  
Describe what the specific solution is and explain why, given the features and designs decided upon, it is in fact (once completed) the right solution to meet the need.
  4. Timing  
Describe why the solution has not been designed so far, and if it has been, why the market has not accepted it and now will.

## 5. Market potential

Describe who will be willing to pay for the product/service and who would be willing to switch (if you have a "conventional" solution) and use your solution. Detail the market validation (that the opportunity exists) and the size of the market.

## 6. Competition and alternatives

Describe what the direct and indirect competitors look like and demonstrate their positioning in the market. Carry out the following analyses:

a) Competitor matrix: it allows you to analyse and understand your competitors according to the key success factors they decide.

b) Adapted market attraction matrix: useful analysis to describe the market in trading and service companies

c) Industry attraction analysis: develop Porter's 5 forces to obtain information on the structural profitability of the industry and the intensity of competition

(d) Demographic, economic, political, environmental, socio-cultural, technological and infrastructure factors influencing the project

## 7. Business model

Describe the means by which business will be generated, i.e. monetizing the project. Provide an indication on the basis of the 3 typical scenarios (worst-case, base, best-case) the trend of prices and quantities sold justifying the changes.

<b>PxQ Analysis</b>	Year 1 n-2	Year 2 n-1	Year 3 n	Year 4 n+1	Year 5 n+2
<b>Worst-case scenario</b>					
Price					
Quantity					
<b>Base scenario</b>					
Price					
Quantity					
<b>Best-case scenario</b>					
Price					
Quantity					

## 8. Team

Describe the history and background of the founders, key people and advisors, if any. Explain and justify any developments (increases/decreases) with the team.

<b>Team cost analysis</b>	Year n-2	Year n-1	Year n	Year n+1	Year n+2
<b>Commercial</b>					
Cost					
Number of people					
<b>Marketing</b>					
Cost					
Number of people					
<b>Operations</b>					
Cost					
Number of people					
(...)					
Cost					
Number of people					

## 9. Finance

The following financial statements should be presented with all historical data to date and with projections of a minimum of 24 months and a maximum of three years from the market launch of the product, service or process (templates in the following tables):

- a) Profit and loss
- b) Balance sheet
- c) Cash flows

Ratios to be included: LTV/CAC (Life Time Value/Customer Acquisition Cost), Gross burn rate (Time in which the company exhausts funds only in operating costs it incurs without counting income), Net burn rate (Time a company can survive with the losses it generates), Conversion rate (measure of the effectiveness of the commercial force) and those considered necessary.

<b>Profit and loss</b>		Year n-2	Year n-1	Year n	Year n+1	Year n+2
<b>OPERATIONS</b>	Revenue					
	% growth					
	Cost of sales					
	Gross margin					
	% of sales					
	Direct personnel					

	Other operating costs					
	Contribution margin					
	% of income					
	Overheads					
	EBITDAr					
	% of revenue					
	Rentals					
	EBITDA					
	% of revenue					
	% growth					
	Depreciation					
<b>NON-OPERATIONS / FINANCIAL</b>	EBIT					
	% of revenue					
	Financial result					
	Extraordinary result					
	EBT					
	% of revenue					
	Taxes					
	Net income					
	% of revenue					

Balance			Year n-2	Year n-1	Year n	Year n+1	Year n+2
<b>BALANCE SHEET (Accounting)</b>	Active	Net fixed assets					
		Goodwill					
		Deferred tax assets					
		Working capital					
		Inventories					
		Clients					
	Liquid assets						
	Passive	Equity					
		Long-term debt					
		Current liabilities					
Short-term debt							
Suppliers							
<b>MANAGEMENT BALANCE (Analytical)</b>	Investment	Net fixed assets					
		Goodwill					
		Deferred tax assets					
		Investment in working capital					
		Inventories					
		Clients					
Financing	Equity						
	Net financial debt						
	Suppliers						

		Long-term financial debt					
		Short-term financial debt					
		Liquid assets					

Cash flow		Year - 2	Year - 1	Year n	Year +1	Year +2
<b>OPERATIONS</b>	EBITDA					
	Variation in working capital requirements					
	Investments in fixed assets (Capex)					
	Operating cash flow					
	% of EBITDA					
<b>NON-OPERATIONS / FINANCIAL</b>	Taxes					
	Cash flow to debt service					
	Cash conversion: % of Ebitda					
	Financial expenses					
	Cash flow for main repayment					
	Change in debtors and creditors (debt)					
	Cash flow for shareholders					
	Capital increases					
	Dividends					
	Cash generated/consumed during the year					
	Ending cash balance					

## 10. Vision

Describe how the business will be in 5 years and try to predict the variables that will affect it and try to consider if it will be possible to get there depending on the dependencies it has.

## 11. Annexes

Any material considered relevant to the evaluation of the business plan of the project submitted may be included.

**Important notification:** Please note that the authoritative source of information is the Spanish version. If there is any conflict between the translated versions and the Spanish, the latter takes precedence.