

# The Boundaries of Streamlined Routes



**Whitepaper Conference  
27 June 2023**

**Anneli Howard KC  
Barrister  
Monckton Chambers**

# Streamlined Routes



- Created under s10(4) SCA 2022
- Voluntary mechanism to grant certain types of subsidy
- No need for formal assessment against subsidy control principles
- Can used by any PA after 5 January 2023 until 4 January 2029

# What is Streamlining?

*“The UK regime has far fewer barriers to giving financial assistance outside the scope of Streamlined Routes than there were to giving aid outside the block exemptions under the EU system. The UK subsidy control regime permits the giving of subsidies in line with the statutory principles, whereas the EU system prohibited the giving of any subsidy unless pre-approved by the European Commission or in scope of a block exemption.”*

# Routes

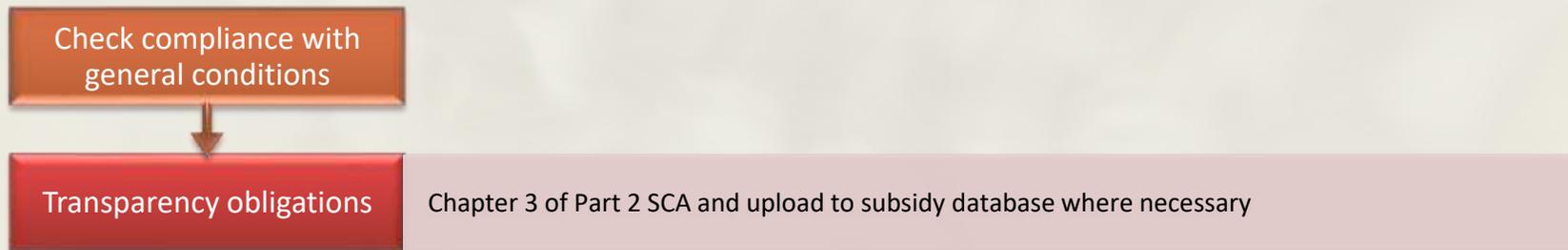
Research,  
Development and  
Innovation

Energy usage  
*transition to net  
zero carbon  
emissions*

Local growth

More to come?

# Checklist for Public Authorities



# Research

Category 1: feasibility studies

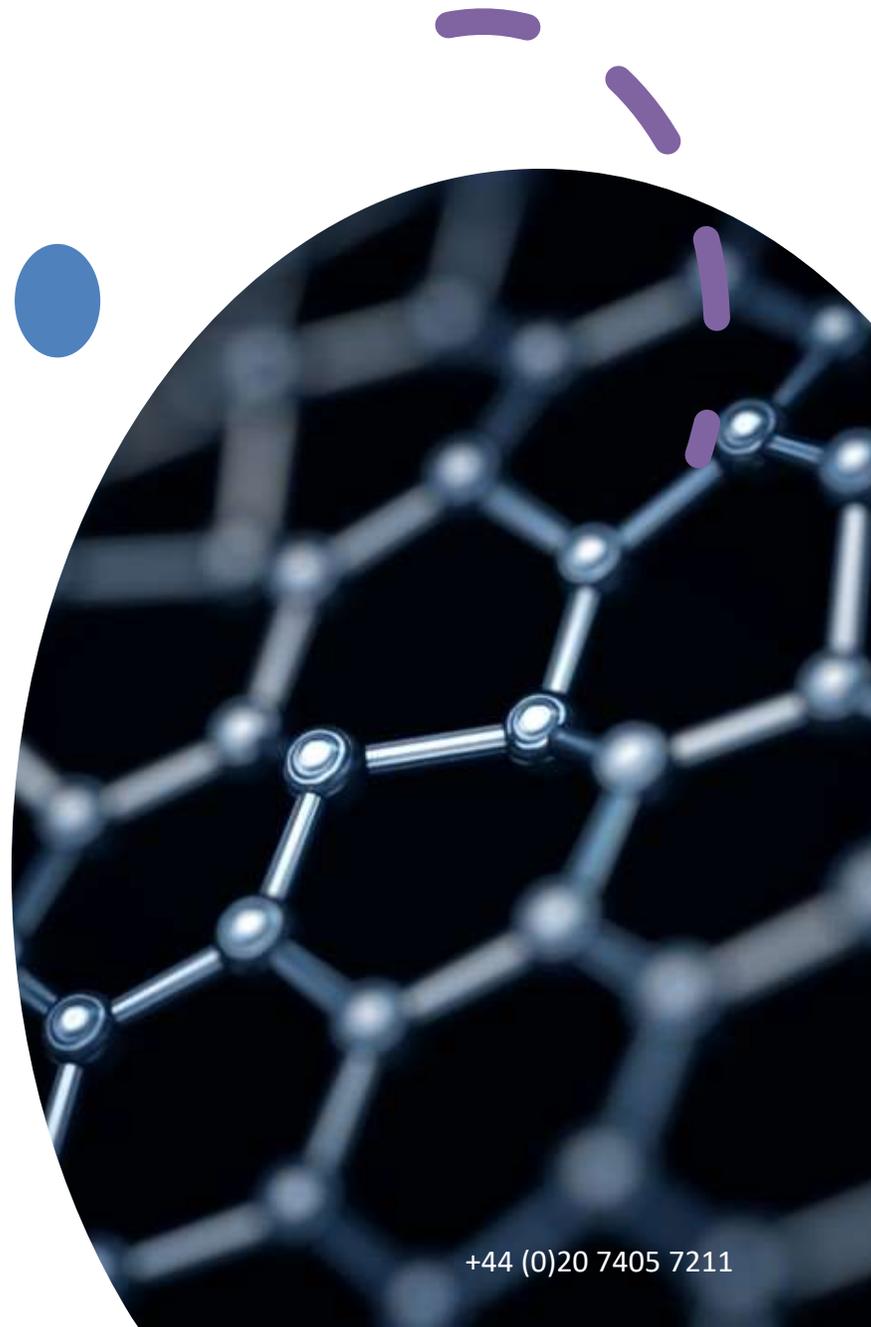
Category 2: industrial  
research and experimental  
development projects

Category 3: SME RDI support

A: Innovation Services

B: Process and Organisational Innovation

C: Equipment and Instruments



# Energy

Category 1: energy demand reduction,

Category 2: green heat networks, and

Category 3: related skills training

*Special requirements:*

*Technology neutral - no fossil fuels*

*Energy audit by accredited energy assessor*

# Low Growth

Category 1: subsidies for small and medium-sized enterprises for business development projects,

Category 2A: support for the employment of workers with disabilities,

Category 2B: support for the employment of disadvantaged workers.

Special requirements:

SMEs only for business development

Limited costs allowed for capital expenditure or wages/training

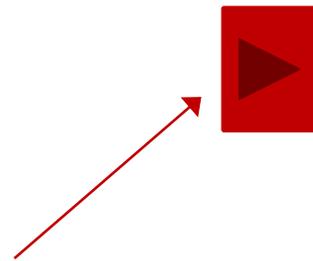
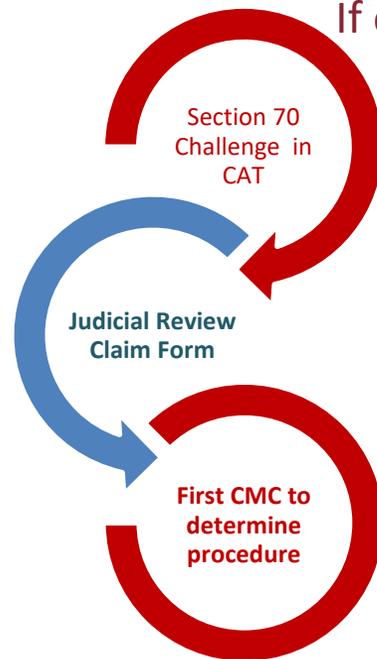
No reasonable prospect of debt finance from commercial lender



# Consequences

If subsidy within the Route- not open to CAT challenge  
But still open to collateral challenge via judicial review

If outside the route, open to CAT and other challenges



S.70 Claim continues in CAT with dual ticketed CAT/ Admin Court Judge



Judicial Review stayed

## Other Consequences:

- Judge plays split role between subsidy control and public law
- Deference for policy and economic choices
- Applies public law principles and case law (as appropriate)
- Limits on public law remedies
- Injunctions to stop or suspend award difficult

## BUT:

- Still have exacting disclosure
- Close scrutiny of evidence and reasoning in support of decision

## Remedies:

- Public law remedies – quashing or declaratory relief
- Recovery of subsidy

**Thank You  
for Listening  
Any Questions**

