

# DECLARATION FORMS

## STATE AID APPLICABLE

### 2020 CALL FOR PROPOSALS FOR RESEARCH AND INNOVATION PROJECTS IN THE FIELDS OF ENERGY AND WATER

*Version September 2020*



## 1 State Aid Declaration Form: Applicant Details

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Please insert the details the Legal Representative of the Undertaking submitting the application<sup>1</sup>. In the case of a consortium, insert the details of the Legal Representative of the Lead Partner.

**Full name of Legal Representative:** Click or tap here to enter text.

**Contact Address:** Click or tap here to enter text.

**I.D. or Passport Number:** Click or tap here to enter text.

**Telephone number (fixed line):** Click or tap here to enter text.

**Telephone number (mobile):** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

**Name of Undertaking:** Click or tap here to enter text.

**VAT number:** Click or tap here to enter text.

**Company Registration Number/Trading Licence Number:** Click or tap here to enter text.

**Size of Undertaking<sup>2</sup>:** Choose an item.

**NACE code of Undertaking's main economic activity:** Click or tap here to enter text.

*(a list of NACE Codes may be accessed by clicking [here](#))*

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<sup>1</sup> "Undertaking" means any entity engaged in an economic activity, regardless of its legal status and the way in which it is financed. For the purposes of this definition "entity" includes any natural or legal person engaged in the provision of a good or service on the market".

<sup>2</sup> Please indicate the category of your activity by choosing from small or medium sized enterprises or large in terms of the Definition in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium sized enterprises. Tick "Small" if you are a natural person or enterprise employing fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million. Tick "Medium" if you are a natural person or enterprise employing between 50 and 249 persons and whose annual turnover between EUR 10 million and not exceeding EUR 50 million and/or whose annual balance sheet total is not less than EUR 10 million and does not exceed EUR 43 million. Tick "Large" if you are a natural person or an enterprise that employs 250 persons or more and which have an annual turnover of EUR 50 million or more, and/or an annual balance sheet total of EUR 43 million or more.



## 2 Declaration by Warranted Auditor

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This is to certify that Undertaking defined in Section 1 of this Declaration Form, with name *Insert name of Undertaking*, and VAT number/Registration number *Insert number*, is not an “undertaking in difficulty.”

In line with paragraph 20 of the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, an undertaking is considered to be in difficulty when, without intervention by the State, it will almost certainly be condemned to going out of business in the short or medium term. Therefore, an undertaking is considered to be in difficulty if at least one of the following circumstances occurs:

- (a) In the case of a limited liability company (other than an SME that has been in existence for less than three years), where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital. For the purposes of this provision, "limited liability company" refers in particular to the types of company mentioned in Annex I of Directive 2013/34/EU and "share capital" includes, where relevant, any share premium.
- (b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years), where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses. For the purposes of this provision, "a company where at least some members have unlimited liability for the debt of the company" refers in particular to the types of company mentioned in Annex II of Directive 2013/34/EU.
- (c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors.
- (d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee, or has received restructuring aid and is still subject to a restructuring plan.
- (e) In the case of an undertaking that is not an SME, where, for the past two years:
  - 1. the undertaking's book debt to equity ratio has been greater than 7.5 and
  - 2. the undertaking's EBITDA interest coverage ratio has been below 1.0.

Furthermore, the undertaking concerned is not subject to an outstanding recovery order following a previous Commission decision declaring an aid granted by the same Member State illegal and incompatible with the internal market.



**Full name of warranted auditor:** Click or tap here to enter text.

**Firm Registration number (if applicable):** Click or tap here to enter text.

**I.D./Passport number:** Click or tap here to enter text.

**Warrant number:** Click or tap here to enter text.

**Telephone/Mobile number:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

**Address:** Click or tap here to enter text.

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Signature of warranted auditor

**Name:** Click or tap here to enter text.

**Date:**

*(handwritten)*

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Rubber stamp



### 3 GDPR Declaration

Each entity that submits personal data pertaining to data subjects as part of this application is required to fill in the below table (amending the number of rows as appropriate) and the form. In the case of a Consortium, kindly replicate the below table and the form according to the number of Partners, and fill in accordingly.

**Entity name:** Click or tap here to enter text.

**Project title:** Click or tap here to enter text.

	NAME OF DATA SUBJECT	PERSONAL DATA SUBMITTED (E.G. FULL NAME, EMPLOYMENT DETAILS, SALARY DETAILS ETC.)	ROLE OF DATA SUBJECT IN PROJECT (E.G. KEY RESEARCHER, PROJECT COORDINATOR, LEGAL REPRESENTATIVE OF ENTITY ETC.)	SIGNED DECLARATION FROM DATA SUBJECT OBTAINED
1	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
2	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
3	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
4	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
5	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.

Insert name of entity., hereby represented by Insert full name and surname. in capacity of Insert role. and authorised representative thereof hereby declares the following:

1. Personal data pertaining to Insert number of individuals. data subjects is being submitted as part of this application, as listed in the table submitted by Insert name of entity. (the Table).
2. Each of the individuals listed in the Table is aware that:
  - a) Their personal data is being submitted as part of this application, being a request for assistance under the 2020 Call for Proposals for research and innovation projects in the fields of energy and water (the Call for Proposals);
  - b) The Energy and Water Agency (the Agency) which is the Managing Authority for the Call for Proposals shall be the Data Controller for the Personal Data collected and processed in the course of the submission, assessment and administration of this application, and any resultant Grant Agreement, and that data shall be processed and retained under the legal bases established by Articles 6(1)(c) and 6(1)(e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the 'General Data Protection Regulation'), namely that "processing is necessary for compliance with a legal obligation to which the controller is subject" and "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller";



- c) Personal Data held by the Agency shall include data as described in the Table in the case of all applications and shall furthermore include the individual's salary information, where relevant, for Beneficiaries;
  - d) The Agency shall retain said data for a period of ten (10) years;
  - e) Any queries related thereto may be addressed to the Agency's Data Protection Officer at: dpo.ewa@gov.mt
3. A signed declaration confirming that they are aware of and understand all the elements listed in Point 2 has been obtained by (Entity Name) from all the individuals listed in the Table.

Insert name of entity. is aware that inspection and verification of the signed declarations referred to in Point 3 may be requested by the Agency at any time.

Should Insert name of entity.'s application be successful and a Grant Agreement entered into, Insert name of entity. undertakes to provide the Agency with an updated version of this declaration and of the associated Table to reflect the addition of any individuals whose personal data shall be submitted to the Agency in its administration of the Grant Agreement.

Signature

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*Name: Click or tap here to enter text.*

*Capacity/role: Click or tap here to enter text.*

*Date:*

*(handwritten)*

