

## Declaration for application of *de minimis* aid according to Commission Regulation (EU) No 1407/2013<sup>1</sup>

### Introduction

*Commission Regulation (EU) No 1407/2014 (also referred to as general de minimis Regulation) allows support of up to EUR 200,000 in a three-year period to fall outside the scope of State aid. The EUR 200,000 ceiling applies to all types of support whether from national or EU-sources. Besides grants, all other forms of support, such as loans and guarantees, are also taken into consideration. The three-year period refers to the fiscal year concerned plus the previous two fiscal years. There is a lower limit for road freight transport for hire or reward (EUR 100,000).*

*In this de minimis declaration you have to declare the amount of de minimis support which you have already received as a 'single undertaking' in the preceding three years. You should have received a de minimis award letter from those institutions that have provided such de minimis aid to you.*

*The notion of a 'single undertaking' includes all enterprises having at least one of the following relationships with one another:*

- *one enterprise has a majority of the shareholders' or members' voting rights in another enterprises*
- *one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise*
- *one enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association*
- *one enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of the enterprise, a majority of shareholders' or members voting rights in that enterprises.*

*Although the Regulation refers to 'enterprises', in practice, this encompasses any entity engaged in an economic activity – this could include associations, charities, universities, etc. Based on the information provided in the de minimis declaration the granting organisation can finally decide on the amount of de minimis aid that can be granted to you.*

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<sup>1</sup> Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Article 107 and 108 of the TFEU to *de minimis* aid (OJ L352/1 of 24 December 2013)

## 1. Identification

Name of the organisation:	
Street:	
Postal code:	
Town:	
Country:	
Registration number:	
Type of register:	

## 2. Scope

### 2.1. Please confirm that **none** of the following applies to your entity:

- Our organisation is active in one of the following economic sectors:
  - fishery and aquaculture sector as covered by Council Regulation (EU) No 1379/2013<sup>2</sup>
  - primary production of agricultural products.<sup>3</sup>
  - processing<sup>4</sup> and marketing<sup>5</sup> of agricultural products of the following kind:
    - On-farm activities necessary for preparing an animal or plant product for the first sale,
    - The first sale of agricultural products by primary producers to resellers or processors,
    - Any activity preparing a product for a first sale by primary producers to resellers or processors.

<sup>2</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1–21)

<sup>3</sup> Agricultural products' means products listed in Annex I to the Treaty, with the exception of fishery and aquaculture products covered by Regulation (EU) No 1379/2013;

<sup>4</sup> 'Processing of agricultural products' means any operation on an agricultural product resulting in a product which is also an agricultural product, except on-farm activities necessary for preparing an animal or plant product for the first sale;

<sup>5</sup> 'Marketing of agricultural products' means holding or display with a view to sale, offering for sale, delivery or any other manner of placing on the market, except the first sale by a primary producer to resellers or processors and any activity preparing a product for such first sale; a sale by a primary producer to final consumers shall be considered as marketing if it takes place in separate premises reserved for that purpose.

- My organisation is engaged with export-related activities towards third countries or Member States. The support that I will receive from the granting organisation is directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current costs linked to the export activity.

I confirm that none of the above is true for my organisation.

⇒ *Please continue with the next question.*

I cannot confirm that none of the above is true for my organisation.

⇒ *The de minimis declaration is complete. Please continue with its signature.*

## 2.2. Is your entity active in the road freight transport sector.<sup>6</sup>

No.

⇒ *Please continue with the next question.*

Yes.

⇒ *Please note that the maximum de minimis you can receive is EUR 100,000. Please continue with the next question.*

## 3. Declarations

### 3.1. Declaration on de minimis aid granted

I/We, the undersigned, representing NAME OF THE COMPANY and receiving aid within the framework of the Interreg 5b project DI-Plast, declare that:

the institution I/we represent and all other entities belonging to the same company group as the institution (=single undertaking)<sup>7</sup> have not been granted any *de minimis* aid<sup>8</sup> during the previous three fiscal years (this being the current fiscal year and the previous two fiscal years).

⇒ *Please continue with the next question.*

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<sup>6</sup> Please note that the provision of an integrated service where the actual transportation is only one element, such as removal services, postal or courier services or waste collection or processing services, should not be considered a transport service.

<sup>7</sup> A detailed definition of 'single undertaking' can be found in the guidance to the *De minimis* declaration.

<sup>8</sup> Any *de minimis* aid' refers to the following types of aid: a) General *de minimis* (Regulation No. 1407/2013) b) *De minimis* for agriculture (Regulation No. 1408/2013), c) *De minimis* for fishery and aquaculture (Regulation No. 717/2014) and d) *De minimis* for services of general economic interest (Regulation No. 360/2012)

the institution I/we represent and all other entities belonging to the same company group as the institution (=“single undertaking”) have been the following *de minimis* aid during the previous three fiscal years (this being the current fiscal year and the previous two fiscal years).

Copies of the corresponding *de minimis* award letters are attached.

⇒ Please complete the table and then continue with the next question.

Date of granting <sup>9</sup>	Granting country	Reference number	De minimis aid (Please tick)					Type of aid <sup>10</sup>	Aid granted	Gross grant equivalent
			General	Road freight transport	Fishery & aquaculture	Agriculture	Services of general economic interest			
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

*Please note for mergers and acquisitions:*

*In the case of mergers or acquisitions, all prior de minimis aid granted to any of the merging undertakings shall be taken into account in determining whether any new de minimis aid to the new or the acquiring undertaking exceeds the relevant ceiling. De minimis aid lawfully granted before the merger or acquisition shall remain lawful.*

*Please note for splitting of undertakings:*

*If one undertaking splits into two or more separate undertakings, de minimis aid granted prior to the split shall be allocated to the undertaking that benefited from it, which is in principle the undertaking taking over the activities for which the de minimis aid was used. If such an allocation is not possible, the de minimis aid shall be allocated proportionately on the basis of the book value of the equity capital of the new undertakings at the effective date of the split.*

<sup>9</sup> Date of granting' means the date when the legal right to receive the aid is conferred on the beneficiary under the applicable national legal regime.

<sup>10</sup> Please use one of the following types: Capital injection, Grant, Guarantee, Interest rate subsidy, Loan, Risk finance measure, Other

### 3.2. Declaration on de minimis aid applied for from other institutions

I/We, the undersigned declare that:

the institution I/we represent and all other entities belonging to the same company group as the institution (=single undertaking)<sup>11</sup> have not applied for any *de minimis* aid<sup>12</sup> from other institutions.

⇒ *Please continue with the next question.*

the institution I/we represent and all other entities belonging to the same company group as the institution (=“single undertaking”) have applied for *de minimis* aid from other institutions.

I/We will inform the granting organisation as soon as one or more of the applied support measures is approved.

⇒ *Please continue with the next question.*

### 3.3. Confirmation of consideration of the ‘single undertaking’

When providing the *de minimis* declarations and amounts I/we have considered all subsidiaries and the like which have at least one of the following relationships with one another (all these enterprises are part of the 'single undertaking').:

- one enterprise has a majority of the shareholders’ or members’ voting rights in another enterprises
- one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise
- one enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association
- one enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of the enterprise, a majority of shareholders’ or members voting rights in that enterprises.

Yes, I/we confirm that I/we have considered the above-mentioned enterprises.

⇒ *Please continue with the next question.*

No, I/we cannot confirm.

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<sup>11</sup> A detailed definition of 'single undertaking' can be found in the guidance to the *De minimis* declaration.

<sup>12</sup> Any *de minimis* aid' refers to the following types of aid: a) General *de minimis* (Regulation No. 1407/2013) b) *De minimis* for agriculture (Regulation No. 1408/2013), c) *De minimis* for fishery and aquaculture (Regulation No. 717/2014) and d) *De minimis* for services of general economic interest (Regulation No. 360/2012)

⇒ *Please revise the declarations provided so that you can confirm that you have included all de minimis aid granted to you as a single undertaking.*

**Signature**

I/We commit myself/ourselves – under penalty law – to inform Interreg Baltic Sea Region if after the date of signature of this declaration but before the date of signature of the subsidy contract the conditions underlying this declaration have changed.

I acknowledge that untruthful/false declarations, in addition to the administrative sanctions and the request for refunding unduly received contribution charged with the interests, can also be prosecuted by the penal code.

..... <i>Name</i>	..... <i>Name</i>
..... <i>Title</i>	..... <i>Title</i>
..... <i>Signature and stamp (if available)</i>	..... <i>Signature and stamp (if available)</i>
..... <i>Place, date</i>	..... <i>Place, date</i>