**Partner self-declaration on four topics:**

**legal status, SME qualification, outstanding recovery order**

**and undertaking not in difficulty**

|  |  |
| --- | --- |
| **Project title** |  |
| **Project acronym** |  |
| **Project identification number (STIPP- XXX)** |  |
| **Project partner (name of the organisation)** |  |

**Legal status**

*The definition of the legal status can be found in annex A.*

The legal form to national law of the organisation I represent is a: *(legal form of organisation)*

According to the national law of: [ ]  Netherlands [ ]  Flanders [ ]  Wallonia [ ]  Germany

The organisation I represent is a:

[ ]  Public body

[ ]  Body governed by public law

*(in the meaning of article 2 (4) of the European Directive 2014/24/EU of 26 February 2014 on public procurement)*

[ ]  Private body

**SME qualifications**

*The definition of the SME qualifications can be found in annex B.*

To be eligible to receive a STIPP SME grant, the partner has to qualify as a SME according to Regulation (EU) 651/2014, Annex 1.

Applicants must take the data of linked enterprises and partner enterprises into consideration when calculating whether its enterprise exceeds the SME definition thresholds for staff headcount and annual turnover / annual balance sheet total (article 3 of forementioned Annex I).

The organisation I represent, qualifies as:

[ ]  an autonomous enterprise,

[ ]  an enterprise with linked enterprise(s),

[ ]  an enterprise with partner enterprise(s).

For the organisation I represent, taken into account its status according to article 3 of forementioned Annex I:

Based on the annual accounts of the last completed financial year: *(year)*

* The number of employees is: *(number)*
* The annual turnover is: *(euro)*
* The balance sheet total is: *(euro)*

I have completed the SME test via the European Commission’s website and have added the report as an Annex to this declaration.

https://ec.europa.eu/growth/tools-databases/SME-Wizard

I declare that in the meaning of Commission Recommendation 2003/361 my organisation

[ ]  does qualify as a SME

[ ]  does not qualify as a SME.

**Enterprise not subject to an outstanding recovery order**

According to the EU legislation (Regulation (EU) 651/2014, article 1[4][a]) an undertaking which is subject to an outstanding recovery order following a formal decision by the European Commission that state aid received is illegal cannot receive state aid under the GBER. Applicants are therefore asked to confirm that no such outstanding recovery order exists at the time of submission of the grant application.

Please note that it is only in cases where the European Commission has taken a decision declaring an aid granted by the same Member State illegal and incompatible with the internal market, with the exception of aid schemes to make good the damage caused by certain natural disasters and aid schemes covered by Article 19b, Section 2a as well as Section 16 of Chapter III.

I declare that according to the Regulation (EU) No 651/2014, Article 1 (4) for my organisation is

[ ]  not subject to an outstanding recovery order

[ ]  subject to an outstanding recovery order.

**Undertaking not in difficulty**

*The definition of an undertaking in difficulty is attached for reference in annex C.*

According to the EU legislation (Regulation (EU) 2021/1058, Article 7[1]) it is not eligible for undertakings in difficulty to receive funding from the European Regional Development Fund (ERDF).

Please complete this declaration to confirm that you organisation is not an undertaking in difficulty in line with the definition of Regulation (EU) No 651/2014, Article 2 (18).

I declare that in the meaning of the Regulation (EU) No 651/2014, Article 2 (18) my organisation is

[ ]  not in difficulty

[ ]  in difficulty.

**Declaration and signature**

I, the undersigned, representing [name of the organisation], partner in the project [project acronym] [project number], declare all foregoing information and declarations to be true and correct.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Signature* *Date*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Name and function of the person signing for the project partner*

**Annex A Legal status**

1. **Body governed by public law**

European Directive 2014/24/EU, article 2 (4):

‘Bodies governed by public law’ means bodies that have all of the following characteristics:

1. they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
2. they have legal personality; and
3. they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;
4. **Private body**

All organisations that do not fall under the definition above have to be considered as a private body, as long as it is still ensured that that they have a legal personality.
This obligation related to the legal personality derives from the definition of ‘Beneficiaries’ stipulated in Regulation (EU) 2021/1060, Article 2 (9).

**Annex B SME qualifications**

Regulation (EU) 651/2014, Annex I defines small and medium-sized enterprises (SMEs) as companies whose staff numbers and economic weight fall below certain limits.

* A medium-sized company has up to 250 employees, an annual turnover of up to €50 million or an annual balance sheet total of up to €43 million;
* A small company has up to 50 employees and an annual turnover or an annual balance sheet total of up to €10 million;
* A micro-company has up to 10 employees and an annual turnover or an annual balance sheet total of up to €2 million.

All companies that have 250 or more employees and a turnover of €50 million or more, or a balance sheet of €43 million or more, qualify as large companies.

This Annex to Regulation (EU) 651/2014 contains important definitions on:

* the types of enterprise to be taken into consideration in calculating the staff numbers and financial amounts (article 3),
* the data to be used for the staff headcount and the financial amounts, and the reference period (articles 4, 5 and 6).

Applicants need to complete the SME test via the European Commission’s website mentioned hereafter. A printscreen of the online report shall be added as an Annex to this declaration.

* <https://ec.europa.eu/growth/tools-databases/SME-Wizard>

For more information, see:

Publications Office of the European Commission for an User guide to the SME definition: <https://op.europa.eu/en/publication-detail/-/publication/756d9260-ee54-11ea-991b-01aa75ed71a1>

**Annex C Undertaking (not) in difficulty (UID)**

**Regulation (EU) No 651/2014, article 2 (18)**

*Note: elements marked in bold only for better readability*

1. In the case of a **limited liability company** (other than an SME that has been in existence for less than three years or, for the purposes of eligibility for risk finance aid, an SME within 7 years from its first commercial sale that qualifies for risk finance investments following due diligence by the selected financial intermediary), 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 (1) and ‘share capital’ includes, where relevant, any share premium.

1. 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 or, for the purposes of eligibility for risk finance aid, an SME within 7 years from its first commercial sale that qualifies for risk finance investments following due diligence by the selected financial intermediary), 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.

1. 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.
2. 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**.
3. 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.**

As a rule, no UID test needs to be submitted for the following company forms: sole proprietorship, partnership, (I)VZW , cooperative, foundation, association.

Please involve your accountant and financial controller to have the analysis done according to national definitions.

For more information, see:

<https://www.vlaio.be/en/subsidies/baekeland-mandates/which-projects-are-eligible-baekeland-mandate/undertakings-difficulty-are-not-eligible>

As a potential helpful suggestion, you might look at this interactive calculation module (in Dutch):

<https://www.vlaio.be/nl/subsidies-financiering/baekeland-mandaten/voorwaarden/onderneming-moeilijkheden>

*Please note that there is one calculation tool on the qualifications as UID for the autonomous enterprise. To calculate the main criterion, equity over issued capital/contribution at a group level, use the additional tool provided there.*