Regional Research Fund's self-declaration

In order for the Regional Research Fund to determine whether an undertaking is eligible to receive state aid under the General Block Exemption Regulation for state aid, the undertaking must provide relevant information about its size and financial situation, among other things. Since up-to-date information is often only available from the undertaking itself, we request that you complete the declaration form below and submit it together with
the revised application.

The relevant regulatory framework in this context is the European Commission General Block Exemption Regulation for state aid. This regulation currently does not exist in any official Norwegian translation. References and excerpts from the regulations are therefore reproduced in English. Official versions of the block exceptions in English, Danish and Swedish can be found here:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1404295693570&uri=CELEX:32014R0651>

**Each undertaking must submit a declaration regarding three areas, and this has been consolidated into a single declaration form on page 5 of this document.** Only the declaration form itself is to be filled in, signed and uploaded as an attachment to the revised application. Only files in pdf format can be uploaded. The project owner is responsible for obtaining completed declaration forms for all undertakings required to submit them.

**Information about the three parts of the declaration form is provided below. Applicants are requested to read this information carefully before filling in the form.**

1 Statement regarding the size of the enterprise

Justification for requiring this declaration

* 1. Aid reserved for small and medium-sized enterprises (SMEs)

In some contexts, the Regional Research Fund awards state aid that is specifically reserved for small and medium-sized enterprises. If the recipient does not constitute an SME in legal terms, the awarding and receipt of such aid reserved for SMEs will be in violation of the state aid rules.

The Regional Research Fund does not have access to the information needed to determine whether an enterprise may be considered an SME. The Regional Research Fund therefore asks applicants to assess whether the enterprise satisfies the criteria for the SME category based on the definition below. The applicant is also requested to classify the enterprise as a micro-enterprise, small enterprise, medium-sized enterprise or large enterprise.

* 1. Definition of micro, small and medium-sized enterprises (SMEs) in the General Block
	Exemption Regulation

Article 2 of Annex I to the General Block Exemption Regulation defines what constitutes a medium-sized enterprise, a small enterprise and a micro-enterprise. Enterprises that are not encompassed by the definitions below are considered large enterprises. The definition reads as follows:

*1. The category of micro, small and medium-sized enterprises (‘SMEs') is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million.*

*2. Within the SME category, a small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.*

*3. Within the SME category, a micro-enterprise is defined as an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million.*

As the financial thresholds above are given in EUR, the Regional Research Fund requests that applicants use Norges Bank's middle rates valid at the time of submission of the application to calculate whether their enterprise lies within or exceeds these thresholds.

Articles 4 and 5 of Annex I to the General Block Exemption Regulation stipulate the data to be used when calculating the staff headcount and turnover of the enterprise.

* 1. Specific rules for enterprises with relationships to other enterprises or public bodies

Aid to SMEs is intended to help enterprises of this size to overcome particular handicaps in the market. For example, SMEs often have difficulties in obtaining capital or suffer under
market failure caused by imperfect information.

Such handicaps will not manifest themselves to the same degree when the enterprise in question has a sufficiently close relationship to other enterprises, for example as a linked enterprise in a group, through cross-ownership or through control of voting rights.

For this reason specific rules apply for *linked enterprises* and *partner enterprises*. The applicant must take the data of *linked enterprises* and *partner enterprises* into consideration when calculating whether its enterprise exceeds the SME definition thresholds for annual turnover and staff headcount.

There are also specific rules for enterprises in which one or more public bodies control at least 25 % of the enterprise's capital directly or indirectly. Such enterprises will often not be classified as SMEs.

Applicants whose enterprise could potentially be classified as a linked enterprise or partner enterprise are requested to consult Article 3 of Annex I to the General Block Exemption Regulation. Article 6 stipulates how the thresholds for turnover and staff headcount shall be calculated for linked enterprises and partner enterprises.

Applicants whose relationship with public bodies could mean that their enterprise cannot qualify as an SME are also requested to give careful consideration to this issue.

[User guide to the SME definition, with practical examples of calculating data for linked enterprises and partner enterprises.](http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition/index_en.htm)

2 Declaration that the enterprise is not an undertaking in financial difficulty

Justification for requiring this declaration
According to the General Block Exemption Regulation, an undertaking in difficulty is not eligible to receive state aid.[[1]](#footnote-1) The applicant enterprise is therefore requested to confirm that it *does not* fulfil the definition of an undertaking in difficulty as defined in Article 2 (18) of the Block Exemption.

An enterprise will be considered an undertaking in difficulty if *one or more* of the following circumstances described in points (a) through (d) below occurs. In keeping with point (e), SMEs and large enterprises will be assessed in different ways. The threshold for considering SMEs to be an undertaking in difficulty is higher than for large enterprises.

The English version of the definition of undertakings in difficulty (Article 2(18) reads as follows:

Note that the term SME (small and medium-sized enterprises) corresponds to the Norwegian term SMB (små og mellomstore bedrifter)

*(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 (1 ) 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.*

3 Declaration that the enterprise is not subject to an outstanding recovery order following a decision of the EFTA Surveillance Authority or European Commission

**Justification for requiring this declaration:**

An undertaking which is subject to an outstanding recovery order following a formal decision by the EFTA Surveillance Authority (ESA) or the European Commission that state aid received is illegal cannot receive state aid under the Block Exemption.[[2]](#footnote-2) 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 either ESA or the European Commission has made a decision that an enterprise has received non-compliant aid and where the enterprise has not repaid this aid that the enterprise is not eligible to receive
further aid.

Regional Research Fund's self-declaration
Application number (fill in): \_\_\_\_\_\_\_
Project number (fill in): \_\_\_\_\_\_\_

**Declaration**

*(This form is to be filled in and signed for each undertaking that is required to submit a declaration. The name of the undertaking should be indicated in the filename for each completed form. Please submit by email to the fund region that is the contractual party for the project)*

The undersigned, who is authorised to sign this declaration on behalf of

|  |  |
| --- | --- |
| COMPANY NAME: |  |
| ORGANISATION NUMBER: |  |

has read the information about enterprise size, undertakings in difficulties and outstanding recovery orders and understands the regulations described. The undersigned confirms the information below is true and correct to the best of his/her knowledge. The undersigned is furthermore aware that if state aid is disbursed on the basis of incorrect information, this aid may be in violation of the state aid rules and may have to be repaid.

1. In accordance with the definition set out in Annex I of Commission Regulation (EU) No 651/2014 of 17 June 2014, published in OJ L 187/1, the enterprise is:

|  |
| --- |
| [ ]  A large enterprise |
| [ ]  A medium-sized enterprise |
| [ ]  A small enterprise |
| [ ]  A micro-enterprise  |

2. The undersigned confirms that the enterprise is *not* an undertaking in difficulty, see the definition in Article 2(18) of Commission Regulation (EU) No 651/2014 of 17 June 2014, published in OJ L 187/1.

3. The undersigned confirms that the enterprise is *not* subject to an outstanding recovery order as described in Article 1(4a) of Commission Regulation (EU) No 651/2014 of 17 June 2014, published in OJ L 187/1.

|  |  |
| --- | --- |
| Place/ date: |  |
| Name: |  |
| Position: |  |
| Signature: |  |

1. With a strictly limited exception in connection with natural disasters. [↑](#footnote-ref-1)
2. With a strictly limited exception in connection with natural disasters. [↑](#footnote-ref-2)