**STATE AID DECLARATION**

I, the undersigned

*(name, father’s name, surname of the official representative of the organization, as per current legal standing certificate or equivalent)*

identified with the ID card No:      , issued by      , on      ,

in my capacity of a legal representative of a partner organization       *(name headquarters),       (national registration number)*

**in the project**      *(project title),* submitted to the **Interreg VI-A IPA Bulgaria Serbia Programme**

**Declare that:**

1. The organisation I represent:

is not in a situation of single undertaking\* (in the meaning of art. 2, para. 2 from Regulation (ЕU) 2023/2831)

is in a situation of single undertaking\* (in the meaning of art. 2, para. 2 from Regulation (EU) 2023/2831), and

is not in a situation of merger, acquisition, division /separation of the undertaking

is in a situation of merger, acquisition, division /separation of the undertaking

1. Over any period of 3 years the organisation I represent and **all other entities belonging to the same company group[[1]](#footnote-1)** as my institution, the following de minimis aid(s):

has not received any contribution falling under de minimisRegulations

has received the following contribution(s) falling under de minimisRegulations:

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| **1.** | **Recipient/s** (Name, UIC / BULSTAT/ Personal Identification Number/Foreign Identification Number) | **Aid Administrator**  (Name UIC/BULSTAT) | | **Purpose/ Activity covered** | **Total Aid Amount**  **= a+b+c+d**  (in EUR) | | | **For activities falling within the respective thresholds:** | | | | | | | | |
|  |  | |  |  | |  | | | **a** | | **b** | | **c** | | **d** | |
| **Activities under Reg. (ЕС) 2023/2831[[2]](#footnote-2)** | | **(SGEI) under Reg. (ЕС) 2023/2832[[3]](#footnote-3)** | | **Under Reg. (ЕС) 1408/2013[[4]](#footnote-4)** | | **Under Reg. (ЕС) 717/2014[[5]](#footnote-5)** | |
| Up to  300 000 EUR | | Up to  750 000 EUR | | Up to  25 000 EUR | | Up to  40 000 EUR | |
| **Year “N-2”, “N-1”, “N”** |  | |  |  | |  | | |  | |  | |  | |  | |
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| **Total:** | | | | | | | ∑(a+b+c+d) | | | ∑a | | ∑b | | ∑c | | ∑d |

1. For the same eligible costs, I have received state aid(s) from other sources of funding, **including at group level** within the meaning of Annex I of Regulation (EU) No 651/2014 (OB, L 187 of 26.6.2014):

has not received any contribution falling under state aid Regulations

has received the following contribution(s) falling under state aid Regulations

|  |  |  |  |
| --- | --- | --- | --- |
| **2.** | In case you indicate **“Has received”** in question 4, please fill in the following information: | | |
| **Aid Administrator**  (Name, UIC/BULSTAT) | **Purpose / Activities covered** | **Aid Amount**  (in EUR) |
|  |  |  |
|  |  |  |

Figures reported in the tables above shall be gross (before any deduction of tax or other charge).

*In the event of a change in the circumstances declared by me, I undertake to submit a new Declaration within 5 working days from the date of the change.*

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

Signed on behalf of the applicant:

…………………………………….

*(Date/month/year)*

…………………………………….

*(Signature and stamp)*

***Remarks***

*The declaration should note that for the purposes of Regulation (EU) 2023/2831, the date of receipt of aid is not the date of payment. According to Article 3(3) of Regulation (EU) 2023/2831, de minimis aid is considered granted (received) at the moment the legal right to it is acquired under the applicable national legal framework (usually the date of the financing agreement), regardless of when the de minimis aid payment is made to the enterprise.*

*Regarding the calculation of the three-year period, the following applies:*

* *If the Declaration for de minimis aid is submitted on February 9, 2024, for example, the three-year period covers February 9, 2021, to February 9, 2024.*

*In connection with the accumulation of de minimis aid under different de minimis regulations, in line with the European Commission's guidance on the amended rules for de minimis aid, the following should be considered:*

1. ***De minimis aid under Regulation (EU) 2023/2831 + de minimis aid under Regulation (EU) 2023/2832*** *for a three-year period accumulates up to* ***EUR 1,050,000*** *(i.e., EUR 300,000 under Regulation (EU) 2023/2831 + EUR 750,000 under Regulation (EU) 2023/2832).*
2. ***De minimis aid under Regulation (EU) 2023/2831 + de minimis aid under Regulation (EU) 1408/2013 + de minimis aid under Regulation (EU) 717/2014*** *for a three-year period accumulates up to* ***EUR 300,000****.*

***\*State aid***

*According to Article 107 (ex. Article 87) of the Treaty on the Functioning of the European Union, state aid is* ***any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favoring certain undertakings or the production of certain goods, therefore affecting trade between Member States****.*

***It is not the legal aspect (public or private) but the nature of the activities that the applicant intends to implement that determines whether the state aid discipline has to be respected or not.***

*- The recipient of the aid is an “undertaking”.*

*- The aid comes from the State, which is always the case for Interreg programmes.*

*- The aid gives an economic advantage (a benefit) which an undertaking would not have obtained under normal market conditions.*

*- The aid is selectively favouring certain undertakings or the production of certain goods.*

*- The grant affects trade between Member States.*

***\*Provision of aid by a public body***

*Due to the fact the funds granted by the INTERREG VI-A IPA Bulgaria Serbia Programme are of a public nature, all projects financed under the Programme shall be subject to state aid assessment.*

***\*Definition of undertaking***

*An entity which exercises an activity of an economic nature and which offers goods and services in competition (actual or potential) with other operators active in the market, carrying out activities of an economic nature, devoted to the production and marketing of goods and services in the market, regardless of its legal status and whether its aim is to make profit or not. An undertaking can be a public body, a NGO, an association, a university, a private firm, etc. In many cases local public or administrative bodies may be considered to be similar to undertakings.*

***\*Distortion of the market***

*Distortion of the market exists when competition is distorted and this affects trade among Member States. When identifying possible distortion of the market, it is important to consider not the size of the enterprise, but the activities carried out.*

***\*Single undertaking***

*‘Single undertaking’ includes, for the purposes of Regulation (EU) 2023/2831, all enterprises having at least one of the following relationships with each other:*

*(a) one enterprise has a majority of the shareholders’ or members’ voting rights in another enterprise;*

*(b) one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;*

*(c) 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;*

*(d) 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 that enterprise, a majority of shareholders’ or members’ voting rights in that enterprise.*

*Enterprises having any of the relationships referred to in points (a) to (d) of the first subparagraph through one or more other enterprises shall also be considered to be a single undertaking.*

***IMPORTANT: Public support (grants) given by the programme to undertakings will be granted under the de minimis rule****. This implies that undertakings will receive grants under the Interreg - IPA CBC Programme only if they have not received public aid under the de minimis rule totalling to more than* ***EUR 300 000******over any period of 3 years****.* ***The public aid considered for the applicable de minimis ceiling comprises all aids granted by the national, regional or local authorities, regardless of whether the resources are provided from domestic sources or are partly financed***

1. Please, refer below for definition of single undertaking. [↑](#footnote-ref-1)
2. Or under the former Regulation (EU) No 1407/2013 of the Commission of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OB, L 352/1 of 24.12.2013). [↑](#footnote-ref-2)
3. Regulation (EU) No 2023/2832 of the Commission of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid for undertakings providing services of general economic interest (OJ L of 15.12.2023) or under the former Regulation (EU) No 360/2012 of the Commission of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid for undertakings providing services of general economic interest (OB, L 114 of 26.4.2012). [↑](#footnote-ref-3)
4. Regulation (EU) No 1408/2013 of the Commission of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agricultural sector (OB, L 352/9 of 24.12.2013). [↑](#footnote-ref-4)
5. Regulation (EU) No 717/2014 of the Commission of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fisheries and aquaculture sector (OB L 190 of 28.6.2014), amended by Regulation (EU) No 2023/2391 (OB L of 5.10.2023). [↑](#footnote-ref-5)