[To be printed on an official letterhead of the Applicant organisation]

**Project (Lead) Applicant Declaration under the Interreg V-A Romania-Hungary regarding the commitment to comply with the 4 *Altmark[[1]](#footnote-1)* criteria**

**(Name/Surname \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- identified with the ID, nr.\_\_\_\_\_\_ issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as legal representative of *(beneficiary name)*, acting as (quality - Lead beneficiary/beneficiary) in the project (project title) knowing that false in declaration represents a crime under the Criminal Code, I declare that**

I…, in my capacity as entity entrusting the SGEI on transport, I undertake to comply with the four Altmark criteria, in a cumulative manner.

The four Altmark criteria are:

* the recipient undertaking must actually have public service obligations to discharge, and the obligations must be clearly defined.
* the parameters on the basis of which the compensation is calculated must be established in advance in an objective and transparent manner.
* the compensation must not exceed what is necessary to cover all or part of the costs incurred in the discharge of the public service obligations, taking into account the relevant receipts and a reasonable profit.
* Where the undertaking that is to discharge public service obligations, in a specific case, is not chosen pursuant to a public procurement procedure which would allow for the selection of the tenderer capable of providing those services at the least cost to the community, the level of compensation needed must be determined on the basis of an analysis of the costs that a typical undertaking, well-run and adequately provided with the relevant means, would have incurred.

In its 2003 [**Altmark judgement**](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62000J0280:EN:HTML), the European Court of Justice held that public service compensation does not constitute State aid when four cumulative conditions are met. Where at least one of the Altmark conditions is not fulfilled, the public service compensation will be examined under State aid rules.

Authorised signature of the legal representative ........................

Date of signature .........................

1. Case C-280/00 Altmark Trans and Regierungspräsidium Magdeburg v Nahverkehrsgesellschaft Altmark [2003] ECR I-7747. [↑](#footnote-ref-1)