



To:

European Investment Fund

Pan-European Guarantee Fund

Equity Investments & Guarantees Department

37B, avenue J.F. Kennedy

L - 2968 Luxembourg

## EXPRESSION OF INTEREST

For the Pan-European Guarantee Fund

Applicant submitting the Expression of Interest:

\_\_\_\_\_, \_\_\_\_\_

(company name,  
registration number)

Dear Sir or Madam,

Herewith we are submitting our Expression of Interest on behalf of [the Applicant] (the "Applicant"), in response to the Open Call for Expression of Interest in the framework of the Pan-European Guarantee Fund implemented by the EIF. Capitalised expressions utilised herein shall have the meaning attributed to them in the above-mentioned Open Call for Expression of Interest and as defined in the Indicative Term Sheets, as appropriate.

The undersigned, duly authorised to represent the Applicant, by signing this form certifies and declares that the information contained in this Expression of Interest and its Appendices is complete and correct in all its elements.

The undersigned, duly authorised to represent the Applicant, by signing this form certifies and declares to have read the EIF Anti-Fraud Policy and declares not to have made nor to make any offer of any type whatsoever from which an advantage can be derived under the Agreement and not to have granted nor to grant, not to have sought nor to seek, not to have attempted nor to attempt to obtain, and not to have accepted nor to accept, any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to the signing of the Agreement.

Furthermore, the undersigned, duly authorised to represent the Applicant, by signing this form represents that, as at the date of this form:

1. The Applicant, and the fund manager, if applicable, is not in any of the situations below:

- a. it is bankrupt, is subject to insolvency or is being wound up, is having its affairs administered by a liquidator or by the courts, in this context, is in an arrangement with creditors, is having its business activities suspended or a standstill (or equivalent) agreement has been signed with creditors and validated by the competent court when required by the applicable law, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b. in the past five (5) years, it has been the subject of a final judgment or final administrative decision for being in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law and where such obligations remain unpaid unless a binding arrangement has been established for payment thereof;
- c. in the past five (5) years, it or any of the persons having powers of representation, decision-making or control over it has been convicted by a final judgment or a final administrative decision for grave professional misconduct, where such conduct denotes wrongful intent or gross negligence, which would affect its ability to implement the Agreement and which is for one of the following reasons:
  - (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract or an agreement;
  - (ii) entering into agreements with other persons aimed at distorting competition;
  - (iii) attempting to unduly influence the decision-making process of the contracting authority during the relevant "award procedure" as such term is defined in Article 2 of the Financial Regulation<sup>1</sup>;
  - (iv) attempting to obtain confidential information that may confer upon it undue advantages in the relevant "award procedure" as such term is defined in Article 2 of the Financial Regulation;
- d. in the past five (5) years, it or persons having powers of representation, decision-making or control over it has been the subject of a final judgment for:
  - (i) fraud;
  - (ii) corruption;
  - (iii) participation in a criminal organisation;
  - (iv) money laundering or terrorist financing;
  - (v) terrorist offences or offences linked to terrorist activities, or inciting, aiding, abetting or attempting to commit such offences;
  - (vi) child labour and other forms of trafficking in human beings;
- e. it is subject to a decision on exclusion contained in the early detection and exclusion database (the EDES database available at the official website of the EU)<sup>2</sup> set up and operated by the European Commission;
- f. it has been, in the past five years, subject to a final judgment or administrative decision by a national court or authority that it was created with the intent to illegally circumvent fiscal, social

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<sup>1</sup> "Financial Regulation" means Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EC, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1), as it may be amended, supplemented or modified from time to time.

<sup>2</sup> <https://ec.europa.eu/edes/index#/cases>

or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.;

2. The Applicant is duly authorised – if applicable - to carry out financing activities in accordance with applicable laws and regulations; and
3. The Applicant does not perform activities which are illegal according to the applicable legislation in the country of the Applicant.

For the purpose of the EIF Transparency Policy, as further specified in Appendix 3, and subject to the approval of the relevant operation by the EIF Board of Directors, the [Applicant], by signing this form:

[Please tick as appropriate]

☐ confirms that the Applicant agree(s) with the disclosure of summary information relevant to this transaction (the project name, the nature of the operation, the geographical focus and the relevant EIF-managed resources) in the Board minutes published on EIF's website, following the approval and signature of said minutes

OR

☐ declares that (i) the Applicant request(s) the non-disclosure of summary information relevant to this transaction (the project name, the nature of the operation, the geographical focus and the relevant EIF-managed resources) in the Board minutes published on EIF's website, following the approval and signature of said minutes and (ii) such disclosure would undermine the protection of commercial interests<sup>3</sup> relevant to the operation.

Yours sincerely,

Signature(s):

Stamp of the Applicant (if applicable):

Name and position in capitals:

Applicant's name:

Place:

Date (day/month/year):

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<sup>3</sup>Including by reason of such information being covered by a confidentiality agreement.

Appendices

Appendix 1: Applicant Identification

Appendix 2: Information Requirements

Appendix 3: Disclosure of information on EIF's website (EIF Transparency Policy)

## Appendix 1 to the Expression of Interest

### APPLICANT IDENTIFICATION

INFORMATION REQUIRED	
APPLYING FOR THE FOLLOWING PRODUCT:	<input type="checkbox"/> EXISTING FUNDS TOP-UP FACILITY <input type="checkbox"/> REPLACING DFAULTING LPs FACILITY <input type="checkbox"/> TARGET FUND SIZE FACILITY <input type="checkbox"/> TURNAROUND AND SPECIAL SITUATION <input type="checkbox"/> SELECTIVE LOAN FUNDS <input type="checkbox"/> SENIOR PRIVATE CREDIT
NAME	
LEGAL FORM	
DATE OF APPLICATION	
CONTACT DETAILS	Title: Mr/Mrs/other (delete or complete as appropriate) Surname: Forename(s): Function: Address: Telephone: Email:

## Appendix 2 to the Expression of Interest

### INFORMATION REQUIREMENTS

The Applicant should provide sufficient information for the EIF to be able to assess the criteria listed in Section 6.1 of the Call for Expression of Interest, in addition to the applicable fields as per below<sup>4</sup>:

TARGETED AND HARD CAP FUND SIZE	EUR [•] / EUR [•]
COMMITMENTS RAISED TO DATE <sup>5</sup>	EUR [•]
DID THE FUND YOU ARE APPLYING UNDER EGF ALREADY HAVE PAST CLOSINGS?	YES or NO
TARGETED FUND FIRST CLOSING	MONTH[•]/YEAR [•]
TARGETED FUND FINAL CLOSING	MONTH[•]/YEAR [•]
FUND STRATEGY	<input type="checkbox"/> EQUITY <input type="checkbox"/> HYBRID DEBT EQUITY <input type="checkbox"/> DEBT SOLUTIONS <input type="checkbox"/> SPECIAL SITUATION

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<sup>4</sup> Applicants applying for more than one product should provide all applicable Information Requirements as per template above for each relevant product (for avoidance of doubt some fields in the template above are not relevant for some products)

<sup>5</sup> If applicable, indicate the amount of commitments already raised for the fund you are applying to under EGF (on the basis of subscription agreements already signed).

INDICATIVE BREAKDOWN BY BENEFICIARY TYPE	<input type="checkbox"/> SME <sup>6</sup>  <input type="checkbox"/> SMALL MID-CAPS <sup>7</sup>  <input type="checkbox"/> MID-CAPS <sup>8</sup>	<p>[•]% OF THE FUND'S INVESTED CAPITAL IN SMEs</p>  <p>[•]% OF THE FUND'S INVESTED CAPITAL IN SMALL MID-CAPS</p>  <p>[•]% OF THE FUND'S INVESTED CAPITAL IN MID-CAPS</p>
GEOGRAPHICAL FOCUS	<p>COUNTRY 1</p>  <p>COUNTRY 2</p>  <p>COUNTRY N</p>	<p>[•]% OF THE FUND'S INVESTED CAPITAL IN COUNTRY 1</p>  <p>[•]% OF THE FUND'S INVESTED CAPITAL IN COUNTRY 2</p>  <p>[•]% OF THE FUND'S INVESTED CAPITAL IN COUNTRY N</p>
FUND'S CURRENCY	<input type="checkbox"/> EUR	
	<input type="checkbox"/> OTHER	PLEASE, INDICATE

<sup>6</sup> Please note the relevant links for the SME definition:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003H0361>

<https://ec.europa.eu/docsroom/documents/15582/attachments/1/translations>

<sup>7</sup> Please note that for EIF, Small Mid-caps are defined as enterprises, which, at the time of first investment, have fewer than 500 employees (FTEs), and which are not an SME.

<sup>8</sup> Please note that for EIF, Mid-caps are defined as enterprises, which, at the time of first investment have fewer than 3.000 employees (FTEs), and which are not an SME or a Small Mid-caps.

### Appendix 3 to the Expression of Interest

#### EIF Transparency Policy

Within the framework of the EIF's Transparency Policy<sup>9</sup> (the "EIF Transparency Policy"), EIF is committed to the guiding principle of promoting transparency with respect to its operational and institutional activities.

Pursuant to this guiding principle, and in accordance with the EIB Group approach and undertakings to promote transparency and good administrative practice, EIF has adopted the practice of publishing the minutes of the Board of Directors ("Board minutes") on its website, following their approval and signature.

The published Board minutes only indicate those operations presented for decision which have been approved and, as a general rule, contain a summary indicating the project name, the nature of the operation, the geographical focus and the relevant EIF-managed resources.

The EIF Transparency Policy also recognises the need for EIF to balance transparency with confidentiality undertakings and the protection of commercially sensitive or personal data, with a view to EIF satisfying its legal obligations to, and maintaining the confidence and trust of, its business partners, investors and third parties.

Consequently, should an Application receive the relevant EIF internal authorisation for submission to EIF's Board of Directors and be approved by the Board thereafter, and should an applicant deem that the publication of such a summary would expose sensitive or confidential information, for which there would be a compelling reason not to disclose, the Applicant shall make a declaration to that effect in the submission of the Expression of Interest resulting in the information in question being edited out of the published Board minutes and, subject to any applicable confidentiality undertakings, only being made public in connection with the signature of the operation in question.

If EIF has not received such declaration confirming that an applicant does not agree to the publication of the aforementioned operational overview in the Board minutes, EIF will consider that publication is acceptable to the Applicant, if applicable, and will proceed with publication on EIF's website as indicated above.

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<sup>9</sup> [http://www.eif.org/news\\_centre/publications/EIF\\_Transparency\\_policy.htm?lang=-en](http://www.eif.org/news_centre/publications/EIF_Transparency_policy.htm?lang=-en)