*(to be printed on the official letterhead of the applicant organisation)*

**Annex 4**

**Declaration on own responsibility in relation to the eligibility to the GBER scheme (to be provided by the beneficiary of State aid*)***

Undersigned, ...........................................identified by legal document....... position ..............................., in my capacity as legal representative of ............................................... registration number .................. I declare on my own responsibility that the information further on provided are accurate and complete, and the undertaking I represent **is not an undertaking in difficulty** based on Article 2, paragraph 18 from COMMISSION REGULATION (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty[[1]](#footnote-1).

I declare that the undertaking that I represent has not been subject to any order of recovery of a state aid or *de minimis* aid or it has been subject to such an order but this has been already and completely executed and the related debt fully recovered.

I moreover declare that:

* The body/institution I represent is not bankrupt or wound up, has not its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or EU regulations;
* Its legal representatives have not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata* (i.e., against which no appeal is possible);
* The body I represent has fulfilled all obligations relating to the payment of debts to the consolidated state budget;
* Its legal representatives have not been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities or national financial interests;
* The body/institution I represent has not benefited of financing support from public funds in the past 5 years before the deadline for submitting the applications under this call for proposals for the same operation in terms of objectives, activities and results achieved (for infrastructure projects this provision refers to the same type of infrastructure/segment of infrastructure).

I realize that any omission or inaccuracy in presenting the information with the purpose of receiving financial advantages may be sanctioned by law. Aware being that false statements entail sanctions as per the Criminal Code, I declare on my own responsibility that the data in this declaration are compliant with the factual situation.

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

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

1. **undertaking in difficulty** - means an undertaking in respect of which at least one of the following circumstances occurs: i. 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 that fulfils the condition in Article 21(3), point (b), and 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 to Directive 2013/34/EU of the European Parliament and of the Council and ‘share capital’ includes, where relevant, any share premium; ii. In the case of a company where at least some of its 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 that fulfils the condition in Article 21(3), point (b), and 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 11 accumulated losses. For the purposes of this provision, ‘a company where at least some of its 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; iii. 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; iv. 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; v. 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.   [↑](#footnote-ref-1)