|  |  |  |
| --- | --- | --- |
| European Emblem | *Interreg – IPA CBC Bulgaria – the former Yugoslav Republic of Macedonia Programme*  *CCI Number 2014TC16I5CB006* |  |

***to be filled by the Bulgarian partners only!***

**ANNEX A.3**

**STATE AID DE MINIMIS DECLARATION**

I, the undersigned

*(surname, name, father’s name 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 representative of a partner organization

*(name headquarters, National registration number)*

**in the project**      *(project title),* submitted to the **Interreg – IPA CBC Bulgaria – the former Yugoslav Republic of Macedonia Programme**

**Declare that:**

1. Within the State Aid\* rules and in regards with the planned activities in the project proposal under the Interreg IPA CBC Programme Bulgaria – the former Yugoslav Republic of Macedonia , the organisation I represent shall be considered as *undertaking/not undertaking\**:

2. The activities described in the project proposal *are/are not market oriented* (*In this section a comprehensive overview of market oriented activities should be provided. Please give a short explanation of your conclusion why you consider that the proposed activities are market oriented or not market oriented. In case of market oriented activities, please indicate the budget of the respective activity in the project):*

3. The activities described in the project proposal *are/are not* *affecting trade between Member States* for the following reasons (*Please indicate separately the reasons why some activities affect and some do not affect the trade between Member States*):

4. The organisation I represent *will/will not be the final user of the aid*.

5. In the fiscal year in progress and in the two previous fiscal years the organisation I represent *benefited (as stated below in the table)/did not benefit from the public funding*.

In case it benefited from public funding, fill in the following table.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Benefited organisation** (name, national registration number) | **Aid granted by**  (name, national registration number) | **Purpose/**  **activities covered** | **Amount**  (euro) |
|
|
|
| **Year**  **„n“** |  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Year**  **„n-1“** |  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Year**  **„n-2“** |  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Total:** | | | |  |

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

6. The organisation I represent *is/is not in a situation of single undertaking*\* (in the meaning of art. 2, para. 2 from Regulation (ЕС) 1407/2013).

(In case of single undertaking the total amount of de minimis aid granted to a single undertaking under the de minimis rule cannot exceed the overall permissible ceiling.)

*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)*

***\* 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 IPA CBC Programme Bulgaria – the former Yugoslav Republic of Macedonia 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.*

*Note that 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 (ЕС) 1407/2013, 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 аbove through one or more other enterprises shall also be considered to be a single undertaking.*

***IMPORTANT: Public support 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 200.000*** *within three fiscal years from the date of granting the aid. This ceiling is reduced to* ***EUR 100.000*** *in the road transport sectors.* ***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 by the European Union****.*