**Declaration on the status of the Applicant according to the State Aid discipline**

**under the Danube Region Programme (DRP)**

Title and acronym of the project: <***insert title, acronym***>

Undersigned representing the following organisation:

<***insert the name of partner institution in English*** >*,*

with regard to

* Article 107 of the Treaty on the Functioning of the European Union;
* the Commission Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (General Block Exemption regulation – GBER);
* the Commission Regulation (EU) 2021/1237 of 23 July 2021 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treat (GBER amending regulation)
* Article 2 (9) c) of the Regulation (EU) No 2021/1060

declares that:

|  |  |  |
| --- | --- | --- |
|  | **Yes** | **No** |
| 1. Does the institution I represent implement economic activities (offering goods or services on a given market)?
 |  |  |
| 1. In the framework of the DRP project proposal, in connection with the project activities, the institution I represent shall be considered as undertaking.[[1]](#footnote-1)
 |  |  |
| 1. Did you plan activities/goods/services in the project that could have been undertaken by an operator with the view to making profit (even if this is not the applicant’s intention)?[[2]](#footnote-2)
 |  |  |
| 1. If the answer to the questions above is yes for all (1-3), does the aid give an economic advantage (benefit) selectively[[3]](#footnote-3) to the project applicant, which it would not have received in the normal course of business, i.e. in the absence of funding granted through the project?
 |  |  |
| 1. Do the activities described in the project proposal have the potential to affect the trade between Member States?[[4]](#footnote-4)
 |  |  |
|  | **Yes** | **No** |
| 1. If the answer to the questions above is yes for all (1-5), are you planning to receive any additional public co-financing (coming from the state) to your project budget?[[5]](#footnote-5)
 |  |  |
| 1. Does any economic operator or target audience that is outside the partnership (i.e. not listed as partner in the application form) gain any advantage through activities carried out by the partner within the project (e.g. SMEs)?[[6]](#footnote-6)
 |  |  |

If the answer to questions 1-3 is yes, a comprehensive overview of market oriented activities should be provided per Project Specific Objective. Please give a short explanation of your conclusion why you consider that the 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.

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.

 ………………………………………… ………………………………………

 Signature Date

……………………………….……………

Title of the Legal Representative (Official stamp of the Partner Institution)

1. Undertaking is any entity engaged in an economic activity, regardless of its legal status (it can be a public body, a charity, an NGO, an association or university, as well as a private firm) and regardless of whether it aims to make a profit or not. The classification as an undertaking is specific to an activity and it is not linked to the status of an entity such as public or private. The only decisive criterion is **whether or not the entity carries out an economic activity in the context of the Interreg project.** [↑](#footnote-ref-1)
2. If the answer is yes, the activity will most likely be considered *economic* and thus the partner will be considered to be an *undertaking*. [↑](#footnote-ref-2)
3. The advantage is granted to specific companies or industry sectors, or to companies located in specific regions. [↑](#footnote-ref-3)
4. The project activities do not affect the trade if they are intended to have only local effects. [↑](#footnote-ref-4)
5. Based on Art. 20 (3) of the GBER, the aid intensity shall not exceed the maximum co-financing rate provided for in Regulation (EU) No. 2021/1060 and Regulation (EU) No 2021/1059 [↑](#footnote-ref-5)
6. This question refers to the existence of indirect state aid: aid granted to third parties outside the project partnership. The project partner usually gives an advantage to an undertaking outside the partnership in the form of services, trainings, and consultancy, etc., which it would not give under normal market conditions. [↑](#footnote-ref-6)