

Partner self-declaration
Legal status and undertaking not in difficulty

Project acronym	
Project identification number (IMR6- XXX)	
Project partner (name of the organisation)	

Legal status

The definition of the legal status can be found in annex A.

The organisation I represent is a:

- Public body or body governed by public law (in the meaning of article 2 (4) of the European Directive 2014/24/EU of 26 February 2014 on public procurement)
- Private body

Not in difficulty

According to the EU legislation (Regulation (EU) 2021/1058, Article 7(1)) it is not eligible for undertakings in difficulty to receive funding from the European Regional Development Fund (ERDF). Please complete this declaration to confirm that your organisation is not an undertaking in difficulty in line with the definition of Regulation (EU) No 651/2014, Article 2 (18). The definition of an undertaking in difficulty is attached for reference in annex B.

I, the undersigned, representing [name of the organisation], partner in the [project acronym] [project number], declare that my organisation is not in difficulty in the meaning of the Regulation (EU) No 651/2014, Article 2 (18).

Signature

Date

Name and function of the person signing for the project partner

**Annex A****1) Body governed by public law**

European Directive 2014/24/EU, article 2 (4):

'Bodies governed by public law' means bodies that have all of the following characteristics:

- (a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
- (b) they have legal personality; and
- (c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;

2) Private body

All organisations that do not fall under the definition above have to be considered as a private body, as long as it is still ensured that that they have a legal personality. This obligation related to the legal personality derives from the definition of 'Beneficiaries' stipulated in Regulation (EU) 2021/1060, Article 2 (9).

Annex B

Regulation (EU) No 651/2014, article 2 (18)

Note: elements marked in bold only for better readability

- (a) 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 within 7 years from its first commercial sale that 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 of Directive 2013/34/EU (1) and 'share capital' includes, where relevant, any share premium.

- (b) In the case of a company where at least **some 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 within 7 years from its first commercial sale that 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 accumulated losses**.

For the purposes of this provision, 'a company where at least some 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.

- (c) 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.
- (d) 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**.
- (e) 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**.