Declarations

In addition to the agreement the company partners must fill in up to three of the following declarations: 1A) Declaration on status as ‘Ikke-kriseramt virksomhed’, 1B) Declaration on De minimis rules of state funding, and 1C) Declaration on status as SME and state funding.

All companies must fill in 1A, companies that apply flat-rate in the budget fills in 1B, and all SME’s fill in 1C.

1.A Declaration of status as an undertaking not in difficulty

*The completed form must be printed, dated and signed, then scanned and sent electronically to Innovation Fund Denmark (IFD).*

The declaration concerns the company:

|  |  |
| --- | --- |
| Name of the company: |  |
| The company’s CVR-number: (or similar identification number if a  foreign entity) |  |

and concerns the signing of an Investment agreement with Innovation Fund Denmark for the project:

|  |  |
| --- | --- |
| Project’s acronym: |  |
| IFD file number: |  |

I, the undersigned, who is duly authorised by the above mentioned company, declare that the above company is not an ”undertaking in difficulty” as defined in ‘undertaking in difficulty’ in article 2, no. 18 i COMMISSION REGULATION (EU) No. 651/2014 of 17 June 2014

|  |  |  |
| --- | --- | --- |
| *Date* |  | *Signature* |
| Name and position of the signatory: |  |  |

Instructions

Definition of ‘undertaking in difficulty’ can be found in article 2, no. 18 i COMMISSION REGULATION (EU) No. 651/2014 of 17 June 2014.

‘Undertaking in difficulty’ means an undertaking in respect of which at least one of the following circumstances occurs:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

1.B Solemn declaration of the European Commission de minimis aid regulations

*(fill in according to section 3.2 ‘Budgetary rules for enterprises in Denmark and abroad’ in Grand Solutions Guidelines)*

The completed form must be printed, dated and signed, then scanned and sent electronically to Innovation Fund Denmark (IFD).

The declaration concerns the company:

|  |  |
| --- | --- |
| Name of the company: |  |
| The company’s CVR-number: (or similar identification number if a  foreign entity) |  |

and concerns the signing of an Investment agreement with Innovation Fund Denmark for the project:

|  |  |
| --- | --- |
| Project’s acronym: |  |
| IFD file number: |  |

I, the undersigned, who is duly authorised by the above mentioned company, declare that the company has not received other de mimimis aid during the current financial year nor the two preceeding financial years, that exceeds 200.000 € (approx. 1.500.000 Dkr.) including the grant that this declaration concerns.

|  |  |  |
| --- | --- | --- |
| *Date* |  | *Signature* |
| Name and position of the signatory: |  |  |

Instructions

COMMISSION REGULATION (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid as published in The Official Journal of the European Union: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1407&from=EN>

*This Regulation applies to aid granted to undertakings in all sectors, with the exception of undertakings active in the fishery and aquaculture sector, the primary production of agricultural products or undertakings that performs road freight transport for hire or reward.* These shall apply actual salary costs as described in section 3.2 ‘*Budgetary rules for enterprises in Denmark and abroad’*

1.C Declaration of SME status and declaration on state aid   
*(fill in according to section 3.2 ‘Budgetary rules for enterprises in Denmark and abroad’ in Grand Solutions Guidelines)*

The completed form must be printed, dated and signed, then scanned and sent electronically to Innovation Fund Denmark (IFD).

The declaration concerns the company:

|  |  |
| --- | --- |
| Name of the company: |  |
| The company’s CVR-number: (or similar identification number if a foreign entity) |  |

and concerns the signing of an Investment agreement with Innovation Fund Denmark for the project:

|  |  |
| --- | --- |
| Project’s acronym: |  |
| IFD file number: |  |

*The following information must relate to the last finished fiscal year and be calculated on a yearly basis. In case of a newly established company, with unfinished financial accounts, an accurate estimate based on the course of the present fiscal year must be calculated.*

|  |  |
| --- | --- |
| Reference period (the accounts/the period, for which the information apply) |  |
| Number of employees in the enterprise (full time employees on an annual basis) |  |
| Annual turnover (State DKK or Euro) |  |
| Balance sum (State DKK or € - euro) |  |
| Is the enterprise jointly owned by or a linked or partner enterprise with other Danish or foreign companies (see EU rules below) – **YES/NO** |  |
| **If yes to the above question**: Do the enterprises together fulfil the requirements of a maximum of 250 employees and a maximum of 50 million euros yearly annual turnover or a total yearly balance of no more than 43 million euros? – **YES/NO** |  |

I, the undersigned, who is duly authorised by the above mentioned company, declare

* that the above information is correct and that the company fulfils the conditions for being Small- and Medium-sized Enterprise as defined by the European Commission’s recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (2003/361/EC).
* that the company is aware of the regulations in the General block exemption Regulation (Commission’s Regulation (EC) No. 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the common market in application of Articles 107 and 108 of the Treaty)

|  |  |  |
| --- | --- | --- |
| *Date* |  | *Signature* |
| Name and position of the signatory: | |  |

**References:**

[The European Commission’s recommendation of 6 May 2003 (2003/361/EC)](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003H0361&from=EN)

Please see EUs [User guide to the SME definition](http://ec.europa.eu/DocsRoom/documents/10109/attachments/1/translations/en/renditions/native)

[Commission’s Regulation (EC) No. 651/2014 of 17 June 2014](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0651&from=EN)