

Statement General Block Exemption Regulation (GBER)¹

Please note: it is mandatory to sign this statement. No rights can be derived from the explanations given in this document. If you do not understand this statement or otherwise have doubts with regards to this statement, we recommend that you seek legal advice prior to filling in and signing this statement.

No outstanding recovery order

The applicant declares that it is not an undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring aid illegal and incompatible with the internal market (article 1 (4) GBER).

Cumulation of aid

Article 8 of the GBER stipulates that in order to determine whether the notification thresholds of article 4 GBER and the maximum aid intensities in Chapter III GBER are respected, the total amount of State aid for the aided activity or project or undertaking shall be taken into account.

No undertaking in difficulty

The grant will not be awarded if an applicant is an undertaking in difficulty. By signing this statement, the applicant declares that it is not an undertaking in difficulty, as defined in article 2 (18) of the GBER.

Please tick the boxes which apply to your organisation.

Important: if the applicant is part of a group of undertakings, the questions below must be answered using the information on the level of the group of undertakings and not on the level of the individual undertaking. In case the undertaking is part of a group, the phrase "undertaking" in the table below refers to the group of undertakings.

1. Does your undertaking belong to a group of undertakings as referred to in article 3 of Recommendation 2003/361/EG of the European Commission concerning the definition of micro, small and medium-sized enterprises?	<input type="checkbox"/> Yes, complete this statement at the level of the total group . You can do this on the basis of the consolidated financial statement. If you are exempt from preparing a consolidated financial statement, please prepare a consolidation statement based on the group companies' separate financial statements. <input type="checkbox"/> No, complete this statement at the level of your individual undertaking.
2. Is your undertaking subject to collective insolvency proceedings?	<input type="checkbox"/> Yes, your undertaking is in financial difficulty. Your company is <u>not</u> eligible for subsidy. You do <u>not</u> need to complete the further questions. <input type="checkbox"/> No, continue.
3. Does your undertaking fulfil the criteria for opening insolvency proceedings against your undertaking (your undertaking has stopped paying creditors or expects to do so)?	<input type="checkbox"/> Yes, your undertaking is in financial difficulty. Your company is <u>not</u> eligible for subsidy. You do <u>not</u> need to complete the further questions. <input type="checkbox"/> No, continue.

¹ 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 (OJ L 187 26.6.2014, p. 1)

<p>4. Is one or more of the following situations applicable to your undertaking?</p> <p>i) your undertaking has received rescue aid and has not yet reimbursed the loan;</p> <p>ii) your undertaking has received rescue aid and has not yet terminated the guarantee;</p> <p>iii) your undertaking has received restructuring aid and is still subject to a restructuring plan.</p>	<p><input type="checkbox"/> Yes, your undertaking is in financial difficulty. Your company is <u>not</u> eligible for subsidy. You do <u>not</u> need to complete the further questions.</p> <p><input type="checkbox"/> No, continue.</p>
<p>5. Is your (group of) undertakings an SME that has been in existence for less than three years (calculated from the date of registration with the chamber of commerce ("Kamer van Koophandel"))?</p>	<p><input type="checkbox"/> Yes, your undertaking is <u>not</u> in financial difficulty. You do <u>not</u> need to complete the further questions.</p> <p><input type="checkbox"/> No, continue.</p>
<p>6. Is the legal form of your undertaking:</p> <p>i) Private limited company or public limited company ("BV of NV")</p> <p>ii) limited partnership ("CV"), general partnership ("VOF") or other*</p> <p>iii) foundation ("stichting"), association ("vereniging"), sole proprietorship ("eenmanszaak") or partnership ("maatschap")?</p> <p>*In the case that your undertaking does not have one of the aforementioned legal forms, please select ii).</p>	<p>i) <input type="checkbox"/> Yes, continue with question 7.</p> <p>ii) <input type="checkbox"/> Yes, continue with question 9.</p> <p>iii) <input type="checkbox"/> Yes, continue with question 11.</p>
<p>7. If your (group of) undertaking(s) has (have) the legal form of a private limited company or public limited company (see question 6), please state the following amounts on the basis of the last adopted (consolidated) annual accounts and the annual accounts which were used as a source:</p> <p>Issued share capital plus any share premium (A): €</p> <p>Other elements of equity (B): €</p> <p>Total equity (C): €</p> <p><u>Source</u> Reporting year:</p> <p>Name (<u>group head of consolidated</u>) undertaking and chamber of commerce registration number:</p>	<p>Continue with question 8.</p>
<p>8. Does deducting the accumulated losses from the reserves (amount entered under B in question 7) result in a negative cumulative amount that exceeds half of the issued share capital plus share premium (amount entered under A in question 7)? Use the amounts stated in response to question 7 and if necessary the examples provided in annex 1.</p>	<p>Yes, your undertaking is in financial difficulty. Your company is <u>not</u> eligible for subsidy. You do <u>not</u> need to complete the further questions.</p> <p><input type="checkbox"/> No, continue with question 11.</p>
<p>9. If your enterprise is a limited partnership, a partnership firm or other (see question 6), please state the following amount on the basis of the last adopted (consolidated)</p>	<p>Continue with question 10.</p>

<p>annual accounts and the annual accounts that were used as a source:</p> <p>Capital / equity (A): €</p> <p><u>Source:</u> Reporting year:</p> <p>Name (group head of consolidated) undertaking and chamber of commerce registration number:</p>	
<p>10. Is the capital / equity (amount entered under A in question 9) negative? Use the amount stated in response to question 9 and if necessary the example provided in annex 2.</p>	<p><input type="checkbox"/> Yes, your undertaking is in financial difficulty. Your company is <u>not</u> eligible for subsidy. You do <u>not</u> need to complete the further questions.</p> <p><input type="checkbox"/> No, your undertaking is <u>not</u> in financial difficulty. You do not need to complete the further questions.</p>
<p>11. This question is only applicable if your undertaking is not an SME. In the past two years:</p> <p>i) was the undertaking's debt-to-equity ratio above 7.5, and</p> <p>ii) was the undertaking's interest coverage ratio determined on the basis of the EBITDA* less than 1.0?</p> <p>If necessary, use the example provided in annex 3.</p> <p><small>* The abbreviation EBITDA stands for Earnings Before Interest Taxes Depreciation and Appreciation.</small></p>	<p><input type="checkbox"/> Not applicable as your undertaking is an SME. Your undertaking is <u>not</u> in financial difficulty. You do <u>not</u> need to complete the further questions.</p> <p><input type="checkbox"/> Yes, your undertaking is in financial difficulty. Your undertaking is <u>not</u> eligible for subsidy.</p> <p><input type="checkbox"/> No, your undertaking is <u>not</u> in financial difficulty. You do <u>not</u> need to complete the further questions.</p>

Undersigned declares that:

- it is not an undertaking which is subject to an outstanding recovery order following a previous European Commission decision and;
- there is no cumulation of state aid for the aided activity exceeding the notification thresholds laid down in Article 4 of the General Block Exemption Regulation or the maximum aid intensities laid down in Chapter III of the General Block Exemption Regulation and;
- it is not an undertaking in difficulty.

Name organisation of the applicant:

Name holding/group (if applicable):

Name: Place:

Function: Date:

Signature:

Annex 1

Examples legal form private limited company ("BV") or public limited company ("NV")

Example 1:

Consolidated balance sheet as per 31 December 2019

Assets	50,000	Subscribed share capital	18,000
		Share premium reserve	42,000
		<A>	60,000
		Revaluation reserve	1,000
		Legal reserves	1,000
		Statutory reserves	1,000
		Other reserves	-44,000
		Undistributed profits	1,000
		Total reserves 	- 40,000
		Debts	30,000
Balance sheet total debit	50,000	Balance sheet total credit	50,000

<A> Subscribed share capital plus share premium € 60,000

 Other elements equity -/- € 40,000

<C> Total equity € 20,000

Conclusion: based on the above balance sheet, the undertaking is in financial difficulty. This is the case due to the negative cumulative amount on the reserves and other items belonging to the total equity (minus € 40,000) being greater than half of the issued share capital plus share premium (€ 30,000).

Note: According to the GBER-definition, negative equity always means that the undertaking is in financial difficulty.

Example 2:

Consolidated balance sheet as per 31 December 2019

Assets	70,000	Subscribed share capital	18,000
		Share premium reserve	42,000
		<A>	60,000
		Revaluation reserve	1,000
		Legal reserves	1,000
		Statutory reserves	1,000
		Other reserves	-24,000
		Undistributed profits	1,000
		Total reserves 	-20,000
		Debt	30,000
Balance sheet total debit	70,000	Balance sheet total credit	70,000

<A> Subscribed share capital plus share premium € 60,000

 Other elements equity -/- € 20,000

<C> Total equity € 40,000

Conclusion: based on the above balance sheet, the undertaking is not in financial difficulty, as the negative cumulative amount on the reserves and other items belonging to the total equity (minus € 20,000) is less than half of the issued share capital plus share premium (€ 30,000).

Annex 2

Examples limited partnership ("CV") and general partnership ("VOF")

Example 1:

Consolidated balance sheet as per 31 December 2019

Assets	€ 50,000	Capital / assets	€ 10,000
		Loan capital	€ 40,000
Balance sheet total debit	€ 50,000	Balance sheet total credit	€ 50,000

Conclusion: The capital / assets in the balance sheet above has a positive balance. The undertaking is not in financial difficulty.

Example 2:

Consolidated balance sheet as per 31 December 2019

Assets	€ 50,000	Capital / assets	-/- € 10,000
		Loan capital	€ 60,000
Balance sheet total debit	€ 50,000	Balance sheet total credit	€ 50,000

Conclusion: The capital / assets in the balance sheet above has a negative balance. The undertaking is in financial difficulty.

Annex 3

Example "Large undertaking" according to size criteria

Explanation regarding the criterion debt-to-equity ratio:

Consolidated balance sheet as per 31 December 2019

Assets	€ 120,000,000	Equity	€ 10,000,000
		Loan capital	€ 110,000,000
Balance sheet total debit	€ 120,000,000	Balance sheet total credit	€ 120,000,000

Debt-to-equity ratio: 11

Consolidated balance sheet as per 31 December 2018

Assets	€ 132,000,000	Equity	€ 12,000,000
		Loan capital	€ 120,000,000
Balance sheet total debit	€ 132,000,000	Balance sheet total credit	€ 132,000,000

Debt-to-equity ratio: 10

Conclusion: the debt-to-equity ratio exceeded 7.5 in the last 2 years. The company is in financial difficulty if the interest coverage ratio criterion mentioned below has also been met over the past 2 years.

Explanation concerning criterion interest coverage ratio:

	2019	2018
EBITDA	€ 100,000	€ 150,000
Interest charges	€ 200,000	€ 200,000
Interest coverage ratio	0.50	0.75

Conclusion: over the past 2 years, the interest coverage ratio has been below 1. The company is in financial difficulty if the criterion of the above-mentioned debt-equity ratio has also been met over the past 2 years.