

2022 GRANTS PROGRAMME FOR INVESTMENT IN THE DEMONSTRATION AND VALIDATION OF EMERGING MARINE RENEWABLE ENERGY TECHNOLOGIES

**APPENDIX IV. STATEMENT OF CONSIDERATION
AS AN ENTERPRISE (R. 651/2014)**

Please use **CAPITAL LETTERS** in all cases

A - MARE – 2022

I, Mr./Ms.	, ID document no.
legal representative of	, Tax ID no.
with registered address at:	

As provided for under Commission Regulation (EU) 651/2014 of 26 June 2014, declaring certain categories of grants compatible with the internal market, and in application of Articles 107 and 108 of the Treaty (General Block Exemption Regulation) and the definition of "enterprise" as laid out in Article 1 of Annex 1 of the aforementioned Regulation as set out below:

An enterprise is considered to be any entity, irrespective of its legal form, engaged in an economic activity. This includes, in particular, self-employed persons and families engaged in craft or other activities, and partnerships or associations regularly engaged in an economic activity.

HEREBY DECLARE

I. That the shareholding of the applicant enterprise:

- a. is **NOT** composed of other undertakings holding at least 25% of the share capital.
b. **IS** composed of other undertakings holding at least 25% of the share capital. *

Name of shareholder/ partner	Tax ID no.	% shareholding

* the latest annual accounts of the identified shareholders/partners must be provided.

II. That the applicant enterprise:

- a. **does NOT** hold direct and/or indirect shareholdings of at least 25% in the share capital of other enterprises.
b. **DOES** hold direct and/ or indirect shareholdings of at least 25% in the share capital of other enterprises. *

Name of the company enterprise in which the applicant enterprise has a shareholding	Tax ID no.	% shareholding

* the latest annual accounts of the identified companies must be provided.

III. Article 2, Annex I of Regulation 651/2014 (Staff headcount and financial thresholds determining enterprise categories).

The category of micro, small and medium-sized enterprises ('SMEs') is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million. Within the SME category, a small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

Furthermore, except in the cases set out in paragraph 2, second sub-paragraph, an enterprise cannot be considered an SME if 25 % or more of the capital or voting rights are directly or indirectly controlled, jointly or individually, by one or more public bodies.

Accordingly, and taking into consideration the provisions of point IV below, the legal entity you represent is considered to be (tick the type of enterprise concerned)

Small enterprise	
Medium-sized enterprise	
Large enterprise	

IV. Article 3, Annex I of Regulation 651/2014 (Types of enterprise taken into consideration in calculating staff numbers and financial amounts). The definition of an SME distinguishes between three types of enterprise according to the type of relationship it has with other enterprises in terms of capital participation, voting rights or the right to exercise a dominant influence.

There is a presumption that no dominant influence exists if the investors listed in the second sub-paragraph of paragraph 2 are not involving themselves directly or indirectly in the management of the enterprise in question, without prejudice to their rights as shareholders.

the legal entity you represent is considered to be (*tick the type of enterprise concerned*):

Section 1: Autonomous enterprise

Any enterprise which is not classified as either of the other two types (partner enterprise or linked enterprise).

Section 2: Partner enterprise

All enterprises that have significant links of financial association with other enterprises, none of which exercise, directly or indirectly, effective control over the others. Partner enterprises are enterprises that are neither autonomous nor linked to each other. The applicant enterprise is a partner of another enterprise if it owns, alone or jointly with one or more related enterprises, 25% or more of the capital or voting rights of another enterprise (investee enterprise).

However, an enterprise may be ranked as autonomous, and thus as not having any partner enterprises, even if this 25% threshold is reached or exceeded by the following investors, provided that those investors are not linked either individually or jointly to the enterprise in question:

- (a) public investment corporations, venture capital companies, individuals or groups of individuals with a regular venture capital investment activity who invest equity capital in unquoted businesses (business angels), provided the total investment of those business angels in the same enterprise is less than EUR 1,250,000;
- (b) universities or non-profit research centres;
- (c) institutional investors, including regional development funds;
- (d) autonomous local authorities with an annual budget of less than EUR 10 million and less than 5,000 inhabitants.

Section 3: Linked enterprise

This type corresponds to the economic situation of enterprises that are part of a group that controls, directly or indirectly, the majority of voting rights (even if through agreements or individual shareholders), or that can exert a dominant influence over the enterprise.

'Linked enterprises' are enterprises which have any of the following relationships with each other:

- (a) an enterprise has a majority of the shareholders' or members' voting rights in another enterprise;
- (b) an enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;
- (c) an 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) an 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 described in the first sub-paragraph of Section 2 through one or more other enterprises, or any one of the investors mentioned in paragraph 2 of Section 2, are also considered to be linked. Likewise, enterprises which have one or other of such relationships through a natural person or group of natural persons acting jointly are also considered linked enterprises if they engage in their activity or in part of their activity in the same relevant market or in adjacent markets. An 'adjacent market' is considered to be the market for a product or service situated directly upstream or downstream of the relevant market.

V. That, pursuant to Article 6 of Regulation 651/2014, with regard to the incentive effect and in line with the definition of “start of works” as determined in Article 2 (23) of Regulation 651/2014, the legal entity I represent has **NOT** started work on the project or activity which is the subject of this grant application prior to submitting the grant application to EVE.

Information on the **protection of personal data**:

Data controller: ENTE VASCO DE ENERGIA (EVE). **Purpose:** management of the application for a grant/subsidy and monitoring and statistics on Basque Government policies. **Rights:** to access, rectify and delete data, as well as other rights, as explained in the additional information. **Further** and detailed **information** on data protection can be consulted in the terms and conditions of the Grants Programme.

Place and date:

Name and surname(s):

Signed *(to be signed by the applicant or, in the case of a collaborative proposal, individually by all members)*