Declaration on honour  
on non-economic activities

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| Applicant  or  proposed sub-grantee | Enter (Company) name applicant or proposed sub-grantee  *Text boxes with the same label are filled with the text entered here when printing the document.* |
| Legal form | Enter text |
| Registration number and register (if applicable) | Enter text |
| Address | Enter text |
| Authorised signatory/signatories | Enter name of authorised signatory  If applicable: Enter name co-signatory  *Text boxes with the same label are filled with the text entered here when printing the document.* |
| Project name | Enter text |

# Explanatory note

Grants awarded by ADA may be subject to EU state aid rules, provided that all criteria set out in Article 107 (1) of the Treaty on the Functioning of the European Union (TFEU) are met.

Article 107 TFEU provides for a general prohibition of state aid. Thus, “*any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States,* *be incompatible with the internal market*”*.*

According to the settled case-law of the European Court of Justice, the concept of an undertaking covers “*any entity engaged in an economic activity, regardless of its legal status and the way in which it is financed*”. An economic activity is “*any activity consisting in offering goods and services on a given market*”.

The qualification as an undertaking does not depend on its legal form (public or private law) or on its economic objectives (for-profit or non-profit), but only on whether it carries out an economic activity, i.e., offers goods and/or services on a given market.

Against this background, the applicant makes the following declaration as to whether it carries out economic activities within the meaning of EU state aid law.

# Declaration

I/We herewith confirm that I am/we are informed of the prohibition of unlawful state aid pursuant to Article 107 (1) TFEU and of the obligation to repay unlawful state aid, including interest, and that

Enter (Company) name applicant or proposed sub-grantee

*Mark as applicable*

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|  | carries out exclusively economic activities, including in the project under consideration, and is therefore to be qualified as an undertaking within the meaning of Article 107 (1) TFEU; | |
|  | carries out exclusively non-economic activities, including in the project under consideration; | |
|  | is mainly financed by public subsidies; | |
|  | carries out both economic and non-economic activities and: | |
|  |  | the activities to implement the project are non-economic activities within the meaning of EU state aid law and Name/Firma Antragsteller\*in oder vorgesehene/r Sub-förderungsnehmer\*in is therefore not to be qualified as undertaking within the meaning of Article 107 (1) TFEU for purposes of this project. |
|  |  | Name/Firma Antragsteller\*in oder vorgesehene/r Sub-förderungsnehmer\*in carries out separate accounting for the separation of economic and non-economic activities in business operations, so that the activities, costs and financing are clearly separated from one another. |
|  |  | The accounting separation of economic and non-economic activities is confirmed by an auditor. |

<Space for comments>

I am/We are authorised to sign and declare that the information I/we have provided is true and correct.

I/We undertake to notify ADA immediately of any changes to the above information as soon as I/we become aware of them.

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| --- | --- |
| Enter place on Enter date  *Signature(s)* | |
| Enter name of authorised signatory | If applicable: Enter name co-signatory |