**Declaration regarding applicant qualification**

*The goal of this form is to facilitate the qualification of the applicant as a research organisation, non-profit organisation or a company as defined by European law to confirm the existence of State aid and evaluate the authorised rate of public aid.*

*It must be verified whether the funding is provided to:*

1. *a company or equivalent (an entity regularly exercising economic activities)*
2. *a research organisation or a non-profit organisation (non-economic activities)*

*In the first instance, the aid must meet certain conditions to not constitute State aid. In the second instance (funding non-economic activities), the aid must not constitute State aid.*

**Review of definitions**

***A research organisation*** *is defined in Article 1.3 of the Framework for State aid for research and development and innovation (2014/C 198/01) as follows: 'research and knowledge dissemination organisation' or 'research organisation' means an entity (such as universities or research institutes, technology transfer agencies, innovation intermediaries, research-oriented physical or virtual collaborative entities), irrespective of its legal status (organised under public or private law) or way of financing, whose primary goal is to independently conduct fundamental research, industrial research or experimental development or to widely disseminate the results of such activities by way of teaching, publication or knowledge transfer. Where such entity also pursues economic activities, the financing, the costs and the revenues of those economic activities must be accounted for separately. Undertakings that can exert a decisive influence upon such an entity, for example in the quality of shareholders or members, may not enjoy a preferential access to the results generated by it.'*

***Activities considered non-economic by the European Commission (non-exhaustive list):***

* *education for more and better skilled human resources. Public education organised within the national education system, entirely or primarily funded by and supervised by the State;*
* *independent R&D activities;*
* *R&D activities with effective collaboration;*
* *dissemination activities of research results on a non-exclusive and non-discriminatory basis;*
* *knowledge transfer activities where all profits resulting from these activities are reinvested in the primary activities of the research organisation.*

***Company:*** *any entity irrespective of its legal form and even not-for-profit once it regularly exercises an economic activity. Economic activity is defined as any offer of goods or services which corresponds to a market and which may enter into competition with offers provided by other economic actors. The fact that these activities/services may be exercised/provided, with or without compensation, by the State itself or by a non-profit organisation is irrelevant. Each individual activity must be examined to determine whether is qualifies as economic, verifying whether other companies offer the same service and if competition has developed in the relevant sector. As an example, many not-profit organisations offering extracurricular activities for children in need may enter into competition with others and are thus considered a company under European law.*

***Specifically, an entity that concurrently exercises economic activities and non-economic activities shall not qualify as a company when***

***- the economic activities consume the exact same input (such as material, equipment, labour, fixed capital, etc.) as the non-economic activities***

***AND***

***- the capacity allocated each year to economic activities does not exceed 20% of the overall annual capacity of the relevant entity.***

*A* ***non-profit organisation*** *is understood to be an entity, separate from a research organisation, which does not exercise an economic activity, or that exercises an economic activity in a purely ancillary nature and which is independent from a company. In other terms, your entity is a non-profit organisation when it is neither a research organisation nor a company.*

***Please complete all fields below.***

**Name and legal form of applicant**:

**Registered office address:**

**Company number/VAT:**

**Name and title of the senior managers:**

1. **Autonomy and independence**
2. My entity controls or is controlled at a rate greater than 25% by one or more other entities

* NO
* YES and this (these) entity (entities) is (are) a research organisation(s)
* YES and this (these) entity (entities) is (are) a company (companies) as defined above
* YES and this (these) entity (entities) is (are) another form (specify)

1. The intellectual property rights generated outside of research collaborations are reserved a priori, by the contractual, statutory or regulatory provisions of one or more entities

* NO
* YES and this (these) entity (entities) is (are) a research organisation(s)
* YES and this (these) entity (entities) is (are) a company (companies) as defined above
* YES and this (these) entity (entities) is (are) another form (specify)

1. Entities that can exert a decisive influence on my entity (shareholders or partners) may enjoy a preferential access to the results generated by it.'

* YES
* NO

**Does my entity have:**

|  |  |
| --- | --- |
| a legal personality? | * Yes * No |
| decision-making autonomy? | * Yes * No |
| administrative autonomy? | * Yes * No |
| its own budget? | * Yes * No |
| its own accounts? | * Yes * No |
| Does it control or is it controlled by another entity? (majority of voting rights/right to appoint or remove the majority of members in the administrative body/contractual or statutory right to exercise a dominant influence | * Yes * No |
| Are the material or personnel used by my entity shared with one more other entities? | * Yes * No |
| Are research programmes determined by my entity itself? | * Yes * No |

*A laboratory, research centre or department that possesses an organisational structure, capital, material and personnel allowing it to autonomously and on its own carry out its activities is considered an autonomous entity whether or not it has a legal personality separate from a university or college.*

Considering the information provided in this section, is your entity independent?

* YES
* NO
* ***If your entity is not independent, the rest of the form should be completed with the consolidated data of the entire group to which your entity (entities) is (are) affiliated.***
* ***If your entity is independent, the rest of the form should be completed based on your own data.***

1. **Primary activities**
2. The primary objective of my entity is to independently conduct fundamental research, industrial research or experimental development activities.

* YES
* NO

1. The primary objective of my entity is to widely disseminate the results of these activities through education, publications or knowledge transfers.

* YES
* NO

1. **Presence of economic activities**
2. Does my entity exercise an activity offering/producing goods or providing services?

* YES
* NO

1. Is there a market (other operators desiring to and capable of producing this good or providing this service)?

* YES
* NO

1. **Separate recognition for economic activities and non-economic activities linked to the primary objective of the research organisation**
2. When my entity also exercises economic activities, the latter are purely ancillary. Specifically:

* they are directly related to the functioning of the entity and are necessary for it,

or

* they are intrinsically related to the primary non-economic use of the entity and are limited in scope
* YES
* NO

1. When my entity also exercises economic activities, the funding for these economic activities is accounted for separately from that linked to non-economic activities

* YES
* NO

1. When my entity also exercises economic activities, the costs of these economic activities are accounted for separately from those linked to non-economic activities

* YES
* NO

1. When my entity also exercises economic activities, the income from these economic activities is accounted for separately from that linked to non-economic activities

* YES
* NO

1. When the economic activities exercised by my entity generate income or benefits, these are reinvested in the primary non-economic activities of my entity, specifically independent research, the widespread dissemination of research results or education

* YES
* NO

1. **Overall funding methods of the entity**

|  |  |  |
| --- | --- | --- |
|  | **Reference period** | |
| **Funding methods** | **Last financial year closed (N)** | **Previous financial year (N-1)** |
| Grants/allocations | (€) | (€) |
| Membership dues | (€) | (€) |
| Gifts and bequests | (€) | (€) |
| Sales turnovers (sales/benefits/revenue) | (€) | (€) |
| Other (please specify): | (€) | (€) |
| **Total** | **(€)** | **(€)** |

1. **Assignment of funding**

|  |  |  |
| --- | --- | --- |
|  | **Reference period** | |
| **Use** | **Last financial year closed (N)** | **Previous financial year (N-1)** |
| Intangible assets (patents, etc.) | (€) | (€) |
| Tangible assets (machinery, land, buildings, etc.) | (€) | (€) |
| Labour costs (volunteer; employee; self-employed, etc.) | (€) | (€) |
| **Total** | **(€)** | **(€)** |

1. **Overall listing of activities**

*Please provide in detail the different types of activities that you conduct. The activities and qualifications listed in the table are purely for illustration. Please specify whether you believe the activity is economic or non-economic according to the definitions provided above.*

|  |  |
| --- | --- |
| **Reference period** | |
| **Last financial year closed (N)** | **Previous financial year (N-1)** |
| *Training and educational activities (non-economic)* | *Awareness activities (economic)* |
| *Fair (economic)* | *Colloquium (economic)* |
| *Show (economic)* | *…* |
| *Research activities (non-economic)* | *…* |
| *Conference (economic)* | *…* |
| *Exhibition (economic)* |  |
| … |  |

1. **Assignment of funding to activities**

*Please complete the following table for each type of activity listed in Point 3.*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | **Methods used for implementation of activities in (%) or in (€)**[[1]](#footnote-2) | | | |
| **Activities** | | Intangible assets (patents, etc.)  ***(%) or (€)*** | Tangible assets (machinery, land, buildings, etc.)  ***(%) or (€)*** | Labour costs (volunteer; employee; self-employed, etc.)  ***(%) or (€)*** | **…** |
| **Financial year (N)** | *Training and educational activities* |  |  |  |  |
| *Fair* |  |  |  |  |
| *Exhibition* |  |  |  |  |
| *Conference* |  |  |  |  |
| **Financial year (N-1)** | *Colloquium* |  |  |  |  |
| *Research activities* |  |  |  |  |
| *Show* |  |  |  |  |
| … |  |  |  |  |
| … |  |  |  |  |
| … |  |  |  |  |

**Table analysis:**

Given the information reported in the tables above:

1. Does my entity use the same inputs (material, equipment, labour) to conduct economic activities and non-economic activities?

* YES
* NO

1. Does the implementation of economic activities in my entity require the provision of over 20% of the inputs indicated above?

* YES
* NO

**Conclusions:**

Given the data provided above, I ................................................................................ (Name, Title,) declare that the entity for which I am responsible is:

* A research organisation
* A company
* A non-profit organisation

**Done in ......, on ......**

**Signature**

*(By signing, I certify that these data are complete, genuine and accurate.)*

*Innoviris notes that an incorrect qualification of the beneficiary entity may result in enforced reimbursement of amounts unduly received, plus interest calculated in accordance with the European regulations applicable for this purpose.*

*Contact person for confirmation of the information communicated in this document:*

*Name:*

*Tel:*

**For any questions concerning the preparation of this document, please contact Isabella Del Bino, idelbino@innoviris.brussels**, **+32 2 600 50 73**

1. Data may be expressed in percentages or in euros. [↑](#footnote-ref-2)