**Declaration concerning the applicant's qualification**

*This form is intended to make it easier for the applicant to qualify as a research organisation, a non-profit organisation or an undertaking within the meaning of European law, to check the existence of State aid and to assess the permissible rate of State aid.*

*It must be verified whether the funding has been granted to:*

1. *An undertaking or a similar body (an entity regularly engaged in economic activities)*
2. *a research organisation or a non-profit organisation (non-economic activities)*

*In the first case, the aid must fulfil certain conditions in order not to constitute State aid. In the second case (funding of non-economic activities), the aid does not constitute State aid.*

**Repetition of definitions**

*Article 1.3 of the Framework for State aid for research, development and innovation (2014/C 198/01) defines the term* ***research organisation*** *as follows: “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 by the European Commission to be non-economic (non-exhaustive list):***

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

***Undertaking:*** *any entity, regardless of its legal form and even non-profit making, when it regularly carries out an economic activity. Any offer of goods or services which corresponds to a market and which may compete with the offers of other economic players may be defined as an economic activity. It is of little importance whether activities/services are exercised/delivered, with or without consideration, by the State itself or by a non-profit organisation. Each activity should be analysed separately to determine whether it should be considered as an economic activity, by checking whether other companies offer the same service and whether competition has developed in the sector concerned. Thus, several non-profit organisations offering parascolar activities for children in need may compete with each other and thus be considered as an undertakingwithin the meaning of European law.*

***In concrete terms, an entity which simultaneously carries out economic and non-economic activities will not be classified as an undertakingif***

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

***AND***

***- the capacity allocated annually to the economic activities does not exceed 20% of the total annual capacity of the relevant entity.***

*A* ***non-profit organisation*** *is an entity, other than a research organisation, that does not carry out economic activities, or that carries out purely ancillary economic activities and is not dependent on an undertaking. In other words, your entity is a non-profit organisation if it is neither a research organisation nor an undertaking.*

***Please fill in all the fields below.***

**Name and legal form of the applicant**:

**Address of the registered office:**

**Undertaking number / VAT number:**

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

1. **Autonomy and independence**
2. Is my entity controlled (or does my entity controls) for more than 25% by one or more other entities.

* NO
* YES and this entity or entities is (are) a research organisation(s).
* YES and this entity or entities is (are) an undertaking(s) within the meaning of the above definition.
* YES and this entity or entities is (are) others (please specify!)

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

* NO
* YES and this entity or entities is (are) a research organisation(s).
* YES and this entity or entities is (are) an undertaking(s) within the meaning of the above definition.
* YES and this entity or entities is (are) others (please specify!)

1. Entities that can exercise decisive influence over my entity (shareholders or associates, etc.) may have preferential access to the research results obtained.

* YES
* NO

**My entity has:**

|  |  |
| --- | --- |
| Legal personality? | * Yes * No |
| Decision-making autonomy? | * Yes * No |
| Management autonomy? | * Yes * No |
| Its own budget? | * Yes * No |
| Its own bookkeeping? | * Yes * No |
| Controls or is controlled by another entity (majority of voting rights / right to appoint or remove from office the majority of the members of the governing body / contractual or statutory right to exercise a determining influence) | * Yes * No |
| Are the materials and personnel used by my entity shared with one or more other entities? | * Yes * No |
| Are research programs determined by my entity itself? | * Yes * No |

*A laboratory, a research centre or a department that has an organisational structure, capital, material and workforce that enable it to carry on its activities alone and autonomously is considered an autonomous entity, whether or not it has a legal personality other than a university or college.*

Is your entity independent on the basis of the information entered in this section?

* YES
* NO
* ***If your entity is not independent, the remainder of the form should be completed with the consolidated data of the whole group formed by your entity and its associated entity(ies).***
* ***If your entity is independent, the remainder of the form should be completed on the basis of its own data.***

1. **Main activities**
2. My entity is mainly engaged in the independent conduct of fundamental research, industrial research or experimental development.

* YES
* NO

1. My entity is mainly engaged in the broad dissemination of the results of those activities through education, publications or the transfer of knowledge?

* YES
* NO

1. **Existence of economic activities**
2. Does my entity carry out a supply activity / is it engaged in the production of goods or the performance of services?

* YES
* NO

1. Is there a market (other operators that want, and are able, to deliver this good or want, or are able, to deliver this service)?

* YES
* NO

1. **Separate accounts for the economic and non-economic activities related to the primary purpose of the research organisation**
2. If my entity also carries out economic activities, they are purely ancillary activities, namely:

* they correspond to an activity directly related and necessary to the operation of that activity,

or

* they are intrinsically linked to the entity's primary non-economic use and are limited in size.
* YES
* NO

1. When my entity also engages in economic activities, the funding of these economic activities shall be accounted for separately from non-economic activities.

* YES
* NO

1. When my entity also engages in economic activities, the costs of those economic activities are accounted for separately from the costs of the non-economic activities.

* YES
* NO

1. When my entity also engages in economic activities, the income of those economic activities is accounted for separately from the income of the non-economic activities.

* YES
* NO

1. When the economic activities of my entity generate revenues or profits, they are reinvested in the non-economic core activities of my entity, i.e. independent research, the wide dissemination of research results or education.

* YES
* NO

1. **Total funding of the entity**

|  |  |  |
| --- | --- | --- |
|  | **Reference period** | |
| **Funding methods** | **Last closed financial year (N)** | **Previous financial year N-1** |
| Subsidies / allocations | (€) | (€) |
| Members' contributions | (€) | (€) |
| Gifts and legacies | (€) | (€) |
| Turnover (sales / services / receipts) | (€) | (€) |
| Other (please specify) | (€) | (€) |
| **Total** | **(€)** | **(€)** |

1. **Allocation of funds**

|  |  |  |
| --- | --- | --- |
|  | **Reference period** | |
| **Application** | **Last closed financial year (N)** | **Previous financial year N-1** |
| Intangible fixed assets (patents, ...) | (€) | (€) |
| Tangible fixed assets (machinery, land, buildings, etc.) | (€) | (€) |
| Cost of the employees (volunteers, employees, self-employed, ...) | (€) | (€) |
| **Total** | **(€)** | **(€)** |

1. **Global list of activities**

* *Please indicate the different types of activities you carry out. The activities and qualifications in the table are given as examples. Please specify if you think the activity is an economic or a non-economic activity within the meaning of the above definitions.*

|  |  |
| --- | --- |
| **Reference period** | |
| **Last closed financial year (N)** | **Previous financial year N-1** |
| *Education and training activities (non-economic)* | *Awareness raising activities(economic)* |
| *Trade fair(economic)* | *Colloquium(economic)* |
| *Exhibition(economic)* | *...* |
| *Research activities(non-economic* | *...* |
| *Lecture (non-economic* | *...* |
| *Exposition (economic* |  |
| ... |  |

1. **Allocation of financial resources to the activities**

*For each type of activity mentioned in point 3, please complete the following table.*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | **Means used to carry out the activities in (%) of in (€)**[[1]](#footnote-2) | | | |
| **Activities** | | Intangible fixed assets (patents, ...)  ***(%) or (€)*** | Tangible fixed assets (machinery, land, buildings, etc.)  ***(%) or (€)*** | Cost of the employees (volunteers, employees, self-employed, ...)  ***(%) or (€)*** | **...** |
| **Financial year (N)** | *Education and training activities* |  |  |  |  |
| *Trade fair* |  |  |  |  |
| *Exposition* |  |  |  |  |
| *Lecture* |  |  |  |  |
| **Financial year (N-1)** | *Colloquium* |  |  |  |  |
| *Research activities* |  |  |  |  |
| *Exhibition* |  |  |  |  |
| ... |  |  |  |  |
| ... |  |  |  |  |
| ... |  |  |  |  |

**Analysis of the tables**

Considering the information given in the tables above:

1. Does my entity use the same resources (materials, equipment, labour…) to carry out its economic and non-economic activities?

* YES
* NO

1. Does the pursuit of the economic activities of my entity require more than 20% of the above resources to be made available?

* YES
* NO

**Conclusion:**

In light of the above information, I, the undersigned, ... (name, title) declare that the entity for which I am responsible is considered to be:

* a research organisation
* an undertaking
* a non-profit organisation

**Drawn up in Brussels on ................**

**Signature**

*(With my signature I confirm that these data are complete, sincere and true.)*

*Innoviris draws your attention to the fact that an incorrect qualification of the beneficiary entity may result in the latter being obliged to repay the amounts unduly received, plus interest calculated in accordance with the applicable European regulations.*

*Contact person for checking the information provided in this document:*

*Name:*

*Tel.:*

**For questions relating to the completion of this document, please contact Isabella del Bino, idelbino**[**@innoviris.brussels, +32 2**](mailto:idelbino@innoviris.brussels) **600 50 73**

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