Financial support management rules of UAB “Ignitis renewables” and its subsidiaries

Annex 5

date

**Data provided as of the date when the declaration is filled in**

|  |  |
| --- | --- |
| **1** | **Name, legal form, registered address of the Declaring Applicant (legal entity), name of the register, where the data on the supplier is collected and stored**  |
|  |
| **2** | **Legal entity code and VAT identification number (if a VAT payer) of the Declaring Applicant (legal entity)**  |
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|  |
| **3** | **Name, surname and position of the manager of the Declaring Applicant**  |
|  |  |  |
|  |
| **4** | **Contact details of the Declaring Applicant (legal entity):** |
|  | Telephone: |  | Email: |  |

**DECLARATION**

**Regarding the requirements of Article 91 (3) of the Law on Charity and Sponsorship of the Republic of Lithuania**

1. I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(position, name and surname of the manager of the Applicant or an authorised person)

certify that the Applicant under my management (I represent)

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(name of the Applicant)

Participating in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(name of the Support Provider)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the call to submit applications regarding granting the Support,

(call date)

☐ **is not related** to other economic entities as a relationship is defined in Article 2(2) of Commission Regulation (EU) No. 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union de minimis Aid.

**(if checked, no need to fill in the ‘Single Undertaking’ Declaration on page 3)**

☐ **is related** to other economic entities listed in the ‘Single Undertaking’ Declaration as a relationship is defined in Article 2(2) of Commission Regulation (EU) No. 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union de minimis Aid.

**(if checked, it is necessary to fill in the ‘Single Undertaking’ Declaration on page 3 and its annexes)**

**I, the undersigned, hereby certify that:**

* **we are aware that the information provided in the declaration is necessary for the assessment of the de minimis state aid, for the provision of which applies the Commission Regulation (EU) No. 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union de minimis aid;**
* **we are aware that the de minimis aid granted to the Declaring Applicant (legal entity) is registered in Register of Granted State Aid managed by the Competition Council of the Republic of Lithuania and the information on the de minimis aid granted to a Declaring Applicant (business undertaking) is provided according to the procedure set forth in the bylaws of the Register of Granted State Aid, approved by the 19 January 2005 Resolution No. 35 of the Government of the Republic of Lithuania ‘on the Incorporation of the Register of Granted State Aid, the Approval of the Bylaws and the Fixation of Start of the Activity thereof’;**
* **the information hereby provided is accurate and complete and all the provided data is correct;**
* **we have provided all information known to us and/or other important circumstances related to the information provided in the present declaration;**
* **our provided data on the Declaring Applicant (legal entity), its participants (shareholders, owners, members), activity, financial state is accurate, complete and correct. We undertake to immediately notify on any change in the provided documents and data;**
* **we are aware that the laws of the Republic of Lithuania provide for criminal and civil liability in case any fraudulent data and documents are provided, and the wrongfully obtained de minimis aid shall have to be refunded.**

Manager of the Declaring Applicant (legal entity)

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| --- | --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(position) | \_\_\_\_\_\_\_\_\_\_\_\_(signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Name, surname) |

**SINGLE UNDERTAKING DECLARATION**

**UNDER THE COMMISSION REGULATION (EU) NO. 1407/2013**

|  |
| --- |
| The answers to all below questions shall be **YES** or **NO** |
| **5** | **RELATIONS ACCORDING TO THE DEFINITION OF ‘SINGLE UNDERTAKING’ AS SET FORTH IN THE COMMISSION REGULATION (EU) NO. 1407/2013**(upon filling in the table, it is required to indicate all legal entities and/or all companies **(company shall mean any entity carrying out economic activities (including natural persons carrying out economic activities),** without prejudice to their legal status and financing methods), which are considered as ‘single undertaking’ in the meaning of the REGULATION (EU) NO. 1407/2013, i.e., the relations between which meet at least one of the following criteria):  |
|  | **Question** | **Answer**  |
| a\*) | **Does the Declaring Applicant (legal entity) have a majority of shareholder or member votes of another company?** A majority of shareholder or member votes means having more than half of all shares of another company or more than half of the deciding share of another company, if such company is not a public limited liability company (e.g., collective or limited partnership). |  |
|  If the answer is YES, please fill in the details in 5a form |
| b\*) | **Does the Declaring Applicant (legal entity) have the right to appoint or dismiss a majority of members of administration, management or supervisory body of another company?** A majority of members of administration, management or supervisory body means more than a half of members of an administration, management or supervisory body.  |  |
|  If the answer is YES, please fill in the details in 5b form |
| c\*) | **Does the Declaring Applicant (legal entity) have the decisive influence right over another company\*\* on contractual basis or according to provisions of Agreement of Incorporation or Articles of Association?** Where although the Applicant (legal entity) does not have a controlling interest, the Applicant has the right to adopt decisions regarding the subsidiary on contractual basis or according to provisions of Agreement of Incorporation or Articles of Association without consent of other shareholders.  |  |
|  If the answer is YES, please fill in the details in 5c form |
| d\*) | **Is the** **Declaring Applicant (legal entity), being a shareholder or a member of another company and acting under a contract with other shareholders or members of such company, a sole controller of a majority of shareholder or member voting rights of such company?** According to Part 1 of Article 2.89 of the Civil Code of the Republic of Lithuania (transfer of a voting right), a member of a legal entity may transfer his/her right to vote at the general meeting of members of a legal entity to other persons and establish the procedure and modes of exercising the voting right. In this case, an agreement on the transfer of the voting right is concluded. |  |
|  If the answer is YES, please fill in the details in 5d form |
| e\*) | **Does** **another company have the right of decisive influence\*\* to the declaring company on contractual basis or according to provisions of the Agreement of Incorporation or Articles of Association?**  |  |
|  If the answer is YES, please fill in the details in 5e form |
| f\*) | **Is** **another company, being a shareholder or a member of the Declaring Applicant (legal entity) and acting under a contract with other shareholders or members of the Applicant, a sole controller of a majority of shareholder or member voting rights of the Declaring Applicant (legal entity)?**  |  |
|  If the answer is YES, please fill in the details in 5f form |
| g\*) | **Does another company have the right to appoint or dismiss a majority of members of administration, management or supervisory body of the Declaring Applicant (legal entity)?** |  |
| If the answer is YES, please fill in the details in 5g form |
| h\*) | **Does** **a shareholder (natural person) or a member (natural person) of the Declaring Applicant (legal entity) with more than 50% shares or votes carry out economic activities (work under a business certificate, individual activity certificate or is a farmer)?**  |  |
| If the answer is YES, please fill in the details in 5h form |
| **6.** | **MERGERS, ACQUISITIONS AND DIVISIONS OF COMPANIES OVER THE LAST THREE FISCAL\*\*\* YEARS** |
| a) | Did the Declaring Applicant (legal entity) merge with another entity over the last three fiscal years?  |  |
| b) | Has the Declaring Applicant (legal entity) been acquired by another company or a natural person carrying out economic activities over the last three years?  |  |
| c) | Has the Declared Applicant (legal entity) been established by dividing another company over the last three years?  |  |
|  If an answer to at least one of the questions of the part 6 is positive, please fill in the 6a form |
| **7.** | Is de minimis aid granted for a loan, leasing or guarantee, i.e., did the Declaring Applicant apply for leasing, loan or guarantee? |  |
| If the answer is YES, please fill in the details in 2F form |

\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

\*\*Decisive influence shall mean the right to appoint (dismiss) members of management bodies of the company, to oblige management bodies of the company to adopt decisions significant to the company or the right of veto with regard to the decisions adopted by the company and/or any other actions, which may substantially alter the management and activity of the company, when such rights are executed without having a majority of shareholder or member votes of the company and without any agreements with other shareholders or members of the company.

\*\*\*Three fiscal years means a period of the last 2 financial years and the current financial year.

Manager of the Declaring Applicant (legal entity)

position

signature

Name, surname

# Annex 5a to the

# ‘Single Undertaking’ Declaration under the European Commission Regulation (EU) No. 1407/2013

#

**Declaring Applicant (legal entity) has a majority of shareholder or member votes of another undertaking\***

|  |  |  |
| --- | --- | --- |
| No. | Name of the company | Company code |
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\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

 **Manager of the Declaring Applicant (legal entity)**

position signature Name, surname

Annex 5b to the

‘Single Undertaking’ Declaration under the European Commission Regulation (EU) No. 1407/2013

**Declaring Applicant (legal entity) has the right to appoint or dismiss a majority of members of administration, management or supervisory body of another company \***

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Legal basis (contract, agreement, Articles of Association, etc.) | Names of the companies | Company codes |
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\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

 **Manager of the Declaring Applicant (legal entity)**

position signature Name, surname

Annex 5c to the

‘Single Undertaking’ Declaration under European Commission Regulation (EU) No. 1407/2013

**Declaring Applicant (legal entity)\* has the decisive influence\*\* right over another company\*\* on contractual basis or according to provisions of Agreement of Incorporation or Articles of Association**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Legal basis (contract, agreement, Articles of Association, etc.) | Names of the companies | Names and surnames of natural persons | Company codes / personal ID codes of natural persons |
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\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

\*\*Decisive influence shall mean the right to appoint (dismiss) members of management bodies of the company, to oblige management bodies of the company to adopt decisions significant to the company or the right of veto with regard to the decisions adopted by the company and/or any other actions, which may substantially alter the management and activity of the company, when such rights are executed without having a majority of shareholder or member votes of the company and without any agreements with other shareholders or members of the company.

 **Manager of the Declaring Applicant (legal entity)**

position

signature

Name, surname

Annex 5d to the

‘Single Undertaking’ Declaration under European Commission Regulation (EU) No. 1407/2013

**Declaring Applicant (legal entity), being a shareholder or a member of another company and acting under a contract with other shareholders or members of such company, is a sole owner of a majority of shareholder or member voting rights of such company\***

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| --- | --- | --- | --- |
| No. | Legal basis (contract, agreement, Articles of Association, etc.) | Names of companies | Company codes |
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\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

 **Manager of the Declaring Applicant (legal entity**)

position

signature

Name, surname

Annex 5e to the

‘Single Undertaking’ Declaration under the European Commission Regulation (EU) No. 1407/2013

**Another company has the right of decisive influence\*\* to the declaring company on contractual basis or according to provisions of the Agreement of Incorporation or Articles of Association**

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| --- | --- | --- | --- | --- |
| No. | Legal basis (contract, agreement, Articles of Association, etc.), | Names of companies | Company codes | Type of decisive influence (description of conferred powers)  |
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\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

\*\*Decisive influence shall mean the right to appoint (dismiss) members of management bodies of the company, to oblige management bodies of the company to adopt decisions significant to the company or the right of veto with regard to the decisions adopted by the company and/or any other actions, which may substantially alter the management and activity of the company, when such rights are executed without having a majority of shareholder or member votes of the company and without any agreements with other shareholders or members of the company.

 **Manager of the Declaring Applicant (legal entity)**

position

signature

Name, surname

Annex 5f to the

‘Single Undertaking’ Declaration under European Commission Regulation (EU) No. 1407/2013

**Another company, being a shareholder or a member of the Declaring Applicant (legal entity) and acting under a contract with other shareholders or members of the Applicant, is a sole owner of a majority of shareholder or member voting rights of the Declaring Applicant (legal entity)\***

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Names of controlling companies | Codes of controlling companies | Contracts |
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\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

 **Manager of the Declaring Applicant (legal entity)**

position signature Name, surname

Annex 5g to the

‘Single Undertaking’ Declaration under European Commission Regulation (EU) No. 1407/2013

**Another company has the right to appoint or dismiss a majority of members of administration, management or supervisory body of the Declaring Applicant (legal entity)\***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Names of the controlling companies | Name and surname of the controlling natural person | Company codes / personal ID numbers of natural persons | Contracts |
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\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

 **Manager of the Declaring Applicant (legal entity)**

position signature Name, surname

Annex 5h to the

‘Single Undertaking’ Declaration under European Commission Regulation (EU) No. 1407/2013

**A shareholder (natural person) or a member (natural person) of the Declaring Applicant (legal entity) with more than 50% shares or votes carries out economic activities (works under a business certificate, individual activity certificate or is a farmer)\***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **No.** | **Name and surname of the shareholder** | **Personal ID number** | **Date of issue of the business certificate, farmer’s certificate or individual activity certificate**  | **Issue number of the business certificate, farmer’s certificate or individual activity certificate** | **Name of the issuing authority**  | **Type of activity and its code** |
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\*Both direct and indirect relations between companies shall be taken into account. Companies with a relationship listed in clauses 5(a) – 5(h) of the 1F form through one or more other companies are also considered to be a single undertaking.

 **Manager of the Declaring Applicant (legal entity)**

position signature Name, surname

Annex 6a to the

‘Single Undertaking’ Declaration under European Commission Regulation (EU) No. 1407/2013

**Mergers, acquisitions and divisions of companies over the last three fiscal\* years**

|  |  |
| --- | --- |
| **Please indicate the names and codes of companies, comprising the merged company, as well as the date of the merger** | **Please indicate the name and code of the divided company, as well as the date of the division. If de minimis aid was granted to the company before the division, please indicate the amount of the granted de minimis aid and type of activity (if the company carries out more than one type of activity) it was used for**  |
| **Name of the company** | **Company code** | **Date of the merger** | **Name of the divided company** | **Date of the division** | **Amount of the granted de minimis aid** | **Activity for which the aid was used\*\*** |
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\* Three fiscal years means a period of the last 2 financial years and the current financial year.

\*\* The type of activity must be indicated in order to determine, whether the upper limit for activities, where the upper limit is less than EUR 200,000 within the period of 2 financial years and the current financial year, was not exceeded, e.g., the upper limit for shipping of goods by road is EUR 100,000.

**Manager of the Declaring Applicant (legal entity)**

position

signature

Name, surname

# Annex 2F to the

# ‘Single Undertaking’ Declaration under the European Commission Regulation (EU) No. 1407/2013

**COLLECTIVE INSOLVENCY PROCEEDINGS**

(required only in case of loan or guarantee)

In this section, relevant and valid information, significant to the determination of insolvency of the Declaring Applicant (legal entity) as of the date of filling in the present questionnaire, shall be provided.

*Questions regarding the insolvency proceedings were drawn up according to the requirements of legal acts regulating bankruptcy procedure of natural persons, as well as procedures of company bankruptcy and legal restructuring.*

|  |  |  |
| --- | --- | --- |
|  | **Question** | **Answer** |
| **1** | **If you submit the declaration as a natural person, please indicate, whether you have any outstanding debt obligations, the amount of which exceeds 25 minimum monthly wages approved by the Government of the Republic of Lithuania?**  |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| Amount of debt obligations:  |  | Eur |
| **2** | **If you submit the declaration as a legal entity, please indicate, whether there are any ongoing bankruptcy proceedings against the company?** |  |
| *If the answer is yes, please fill in the required details in the lines below:*  |
| Originator of the bankruptcy: |  |
| Grounds for the bankruptcy proceedings:  |  |
| The court before which the bankruptcy proceedings are pending:  |  |
| Date of the hearing: |  |
| **3** | **If the declaration is submitted by a legal entity, please indicate, whether bankruptcy procedure may be currently applied to the company, i.e., whether the Declaring Applicant (legal entity):**  |
| a) | Is failing to pay the wages and employment-related benefits on time  |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| Amount of outstanding liabilities: |  | Eur |
| b) | Is failing to pay for received goods, works (services) rendered, to repay credits and to perform other property obligations assumed on contractual basis on time |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| Amount of outstanding debt:  |  | Eur |
| c) | Is failing to pay taxes prescribed by law, other mandatory instalments and/or amounts awarded by court on time |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| Amount of outstanding taxes and other obligations:  |  | Eur |
|  | Has publicly declared or otherwise notified the creditor (creditors) that the company is unable or has no intention to perform its obligations |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| d) | Date, source and method of public declaration on being unable or having no intention to perform the obligations to creditor (creditors): |
| Date: |  | Source: |  | Method: |  |
| Date and description of method of notifying the creditor (creditors) on being unable or having no intention to perform obligations by other means:  |
| Date: |  | Description of method of notification: |  |
| e) | Has the Applicant received any notifications from creditors regarding their intentions to bring bankruptcy action before court in case of failure to settle within the time limits prescribed in the notification?  |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| Name(s) of creditor(s) | Dates of notifications | Grounds for bankruptcy proceedings |
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| **4** | **If the Declaration is submitted by a legal entity, please indicate, whether there are any legal restructuring proceedings of the company currently pending?**  |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| Grounds for legal restructuring:  |
|  |
| Date of instituting legal restructuring proceedings: |  |
| 5 | **If the Declaration is submitted by a legal entity, please indicate, whether legal restructuring proceedings may be currently applicable to the company, i.e.:**  |
|  | Does the company operate at a loss? |  |
| a) | *If the answer is yes, please fill in the required details in the line below:*  |
| Loss of previous reference periods:  |  | Eur |
| Loss for the reference period:  |  | Eur |
| b) | Do you have any outstanding obligations, which exceed half of the value of assets entered on the balance sheet, or whether there is a real possibility that such obligations may occur within the following 3 months (the company will not be able to perform obligations and reduce losses, which would make the declaring company terminate its activities and declare bankruptcy, should no creditors provide aid)?  |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| Scope of the outstanding obligations:  |  | Eur |
| c) | Did the declaring company terminate its activities?  |  |
| *If the answer is yes, please fill in the required details in the line below:*  |
| Date of termination of activities:  |  |

**Manager of the Declaring Applicant (legal entity)**

position signature Name, surname