*PART III.3.A*

Supplementary information sheet on aid for rescuing non-financial undertakings in difficulty: individual aid

*This supplementary information sheet must be filled in for the notification of individual rescue aid covered by the Authority´s Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty*[[1]](#footnote-1)*(“Guidelines”).*

1. Eligibility

1.1. Undertaking in difficulty

A) Is the undertaking a limited liability company[[2]](#footnote-2), where more than half of its subscribed share capital has disappeared as a result of accumulated losses[[3]](#footnote-3)?

|  |  |
| --- | --- |
| yes | no |

B) Is the undertaking a company where at least some members have unlimited liability for the debt of the company[[4]](#footnote-4), and where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses?

|  |  |
| --- | --- |
| yes | no |

C) Is the undertaking subject to collective insolvency proceedings or does it fulfil the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors?

|  |  |
| --- | --- |
| yes | no |

D) In the case of an undertaking that is not an SME:

1. has the undertaking's book debt to equity ratio been greater than 7,5 for the past two years

and

1. has the undertaking's EBITDA interest coverage ratio been below 1,0 for the past two years?

|  |  |
| --- | --- |
| yes | no |

E) If you have answered yes to any of the questions in sections A to D, please substantiate the answer, including references in the answer to the supporting evidence or documents provided in annex (latest profit and loss account statements with balance sheets, or court decision opening collective insolvency proceedings on the company or evidence that the criteria for being placed under insolvency proceedings at the request of creditors under national company law are met, etc.).

1.2. An undertaking facing acute liquidity needs:

If you consider that the beneficiary is eligible for rescue aid even though it does not qualify as an undertaking in difficulty, please explain why you consider that it faces acute liquidity needs due to exceptional and unforeseen circumstances and include reference to the supporting evidence or documents (e.g. cash flow projections).

1.3. Newly created undertaking/larger business group:

A) When was the undertaking created?

Click here to enter text.

B) Since when has the undertaking been operating?

Click here to enter text.

C) Does the company belong to a larger business group?

|  |  |
| --- | --- |
| yes | no |

D) If the answer to point C is “yes”, please submit full details about the group (organisation chart, showing the links between the group's members with details on capital and voting rights) and demonstrate that the company's difficulties are intrinsic and are not the result of an arbitrary allocation of costs within the group, and that the difficulties are too serious to be dealt with by the group itself.

1.4. Sectoral scope:

Is the undertaking active in:

|  |  |  |
| --- | --- | --- |
| A) the coal sector[[5]](#footnote-5): | yes | no |
| B) the steel sector[[6]](#footnote-6): | yes | no |
| C) sectors covered by specific rules for financial institutions[[7]](#footnote-7): | yes | no |

2. Compatibility with the internal market

2.1. Contribution to an objective of common interest:

A) Is the beneficiary located in a region or regions (at NUTS level 2) where the unemployment rate is one of the following:

1. higher than the EEA average, persistent and accompanied by difficulty in creating new employment in the region or regions concerned
2. higher than the national average, persistent and accompanied by difficulty in creating new employment in the region(s) concerned?

|  |  |
| --- | --- |
| yes | no |

B) Is there a risk of disruption to an important service which is hard to replicate and where would it be difficult for any competitor simply to step in (for example, a national infrastructure provider)?

|  |  |
| --- | --- |
| yes | no |

C) Does the undertaking have any important systemic role in a particular region or sector? Would its exit have any potential negative consequences (for example as a supplier of an important input)?

|  |  |
| --- | --- |
| yes | no |

D) Is there a risk of interruption to the continuity of provision of an SGEI?

|  |  |
| --- | --- |
| yes | no |

E) Would the failure or adverse incentives of credit markets push an otherwise viable undertaking into bankruptcy?

|  |  |
| --- | --- |
| yes | no |

F) Would the exit from the market of the undertaking concerned lead to an irremediable loss of important technical knowledge or expertise?

|  |  |
| --- | --- |
| yes | no |

G) Would the failure of the beneficiary involve any similar situation of severe hardship not listed above?

|  |  |
| --- | --- |
| yes | no |

H) If you have answered yes to any of the questions in points A to G, please fully substantiate the answer(s), including reference to the further supporting evidence or documents provided in annex.

Click here to enter text.

2.2. Appropriateness/Form of aid

A) Is the aid in the form of loan guarantees or loans?

|  |  |
| --- | --- |
| yes | no |

B) If you have answered yes, please describe the terms of the loan or the guarantee and attach the relevant documents (e.g. draft loan agreement, draft guarantee).

Click here to enter text.

C) Is the interest rate of the loan (or, where relevant, the total financial cost of the guaranteed loan, including the interest rate of the loan and the guarantee premium) set at a rate not lower than the reference rate set out by the Authority [[8]](#footnote-8) for weak undertakings offering normal levels of collateralisation?

|  |  |
| --- | --- |
| yes | no |

D) Please explain the use to which the rescue aid will be put: will the rescue aid be used to finance structural measures, such as acquisition of significant businesses or assets other than those required during the rescue period for the survival of the beneficiary?

|  |  |
| --- | --- |
| yes | no |

E) If so, please explain.

Click here to enter text.

F) Will the loan be reimbursed or will the loan guarantee come to an end within a period of not more than six months after disbursement of the first instalment to the beneficiary?

|  |  |
| --- | --- |
| yes | no |

G) Do you undertake, not later than six months after the rescue aid measure has been authorised to communicate to the Authority, one of the following:

1. proof that the loan has been reimbursed in full and/or that the guarantee has been terminated;
2. a restructuring plan;
3. a liquidation plan setting out in a substantiated way the steps leading to the liquidation of the beneficiary within a reasonable time frame without further aid?

|  |  |
| --- | --- |
| yes | no |

2.3. Proportionality of the aid/aid limited to the minimum

Is the amount of the rescue aid determined in accordance with the formula set out in Annex I to the Guidelines?

|  |  |
| --- | --- |
| yes | no |

If so, please provide the calculation of the amount of the rescue aid in accordance with the formula.

If the amount of the rescue aid exceeds the result of calculations on the basis of the formula set out in Annex I to the Guidelines, please provide a duly justified liquidity plan setting out the beneficiary's liquidity needs for the coming six months.

Click here to enter text.

2.4. Negative effects — “One time, last time” principle

Has the undertaking (or the group to which it belongs) already received in the past any rescue aid, restructuring aid or temporary restructuring support[[9]](#footnote-9) and/or any non-notified aid?

|  |  |
| --- | --- |
| yes | no |

If so, please provide full details (date, amount, reference to previous Authority decision if applicable, etc.)[[10]](#footnote-10).

Click here to enter text.

3. Other information

Please indicate here any other information you consider relevant for the assessment of the measure(s) concerned under the Guidelines:

Click here to enter text.

1. The Authority´s Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, as adopted by Decision No 321/14/COL, published in OJ L 271, 16.10.2015 p. 35 and EEA Supplement No 62, 15.10.2015. [↑](#footnote-ref-1)
2. This refers in particular to the types of company mentioned in Annex I to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19), referred to at point 10f of Annex XXII to the EEA Agreement, see Joint Committee Decision No 293/2015 (not yet published). [↑](#footnote-ref-2)
3. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital. [↑](#footnote-ref-3)
4. This refers in particular to the types of company mentioned in Annex II to Directive 2013/34/EU, referred to at point 10f of Annex XXII to the EEA Agreement, see Joint Committee Decision No 293/2015 (not yet published). [↑](#footnote-ref-4)
5. As defined in Decision 2010/787/EU. [↑](#footnote-ref-5)
6. As defined in Annex II to the Authority’s Guidelines on regional State aid for 2014-2020, as adopted by Decision [No 407/13/COL](http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=uriserv:OJ.L_.2014.166.01.0044.01.ENG&toc=OJ:L:2014:166:TOC), published in OJ L 166, 5.6.2014, p. 44 and EEA Supplement No 33 on the same date. [↑](#footnote-ref-6)
7. See the Authority´s Guidelines on the application, from 1 December 2013, of the State aid rules to support measures in favour of banks in the context of the financial crisis (“2013 Banking Guidelines”), adopted by Decision No 464/13/COL, OJ L 264, 4.9.2014, p. 6-21 and EEA Supplement No 50 on the same date. [↑](#footnote-ref-7)
8. See the Authority Guidelines on Reference and Discount Rates, adopted by Decision No 788/08/COL, OJ L 105, 21.4.2011, p. 32 and EEA Supplement No 23 on the same date and the reference rates published on the Authority’s website (http://www.eftasurv.int/state-aid/rates/). [↑](#footnote-ref-8)
9. Including any such aid granted before the date on which the Authority began to apply the Guidelines, i.e. before 10.9.2014. [↑](#footnote-ref-9)
10. Please note that where less than 10 years have elapsed since the rescue aid or temporary restructuring support was granted or the restructuring period came to an end or implementation of the restructuring plan was halted (whichever occurred the latest), further rescue aid, restructuring aid or temporary restructuring support can be only granted: (a) where temporary restructuring support follows the granting of rescue aid as part of a single restructuring operation; (b) where restructuring aid follows the granting of rescue aid or temporary restructuring support as part of a single restructuring operation; (c) where rescue aid or temporary restructuring support has been granted in accordance with these guidelines and that aid was not followed by restructuring aid, if: (i) it could reasonably have been believed that the beneficiary would be viable in the long term when the aid pursuant to these guidelines was granted, and (ii) new rescue or restructuring aid or temporary restructuring support becomes necessary after at least five years due to unforeseeable circumstances for which the beneficiary is not responsible; (d) in exceptional and unforeseeable circumstances for which the beneficiary is not responsible. [↑](#footnote-ref-10)