

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 Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty¹ ("Guidelines").

1. ELIGIBILITY

1.1 Undertaking in difficulty:

A) Is the undertaking a limited liability company², where more than half of its subscribed share capital has disappeared as a result of accumulated losses³?

yes

no

B) Is the undertaking a company where at least some members have unlimited liability for the debt of the company⁴, 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:

- has the undertaking's book debt to equity ratio been greater than 7, 5

and

- has the undertaking's EBITDA interest coverage ratio been below 1, 0

¹ OJ C 246, 31.7.2014, p.1

² This refers in particular to the types of company mentioned in Annex I of 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).

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.

⁴ This refers in particular to the types of company mentioned in Annex II of Directive 2013/34/EU.

for the past two years?

yes

no

- E) If you have answered yes to any of the above questions, please substantiate your answer, including reference in your 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:

- A) 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?

B) Since when has the undertaking been operating?

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

yes

no

- D) If you have answered 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 sector⁵: yes no

B) the steel sector⁶: yes no

C) sectors covered by specific rules for financial institutions⁷:

yes no

⁵ As defined in Decision 2010/787/EU.

⁶ As defined in Annex IV to the Communication from the Commission: Guidelines on regional state aid for 2014-2020 (OJ C 209, 23.7.2013, p. 1).

⁷ Communication from the Commission on the application, from 1 August 2013, of the State aid rules to support measures in favour of banks in the context of the financial crisis ('Banking Communication') (OJ C 216, 30.7.2013, p. 1).

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 II) where the unemployment rate is either:
- higher than the Union average, persistent and accompanied by difficulty in creating new employment in the region or regions concerned,
 - or
 - 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 above questions, please fully substantiate your answer(s), including reference to the further supporting evidence or documents provided in annex.

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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).
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- 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 Commission in its Reference Rate Communication⁸ for weak undertakings offering normal levels of collateralisation?

yes no

D) Please explain to which use the rescue aid is planned to 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 yes, please explain.

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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 Commission:

- proof that the loan has been reimbursed in full and/or that the guarantee has been terminated;

or

- a restructuring plan;

or

- 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**

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

yes no

If yes, 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.

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⁸ Communication from the Commission on the revision of the method for setting the reference and discount rates; OJ C 14, 19.1.2008, p. 6, or any future communication which might replace it.

2.4. Negative effects - 'One time, last time' principle

A) Has the undertaking (or the group to which it belongs) already received in the past any rescue aid, restructuring aid or temporary restructuring support⁹ and/or any non-notified aid?

yes no

B) If yes, please provide full details (date, amount, reference to previous Commission decision if applicable, etc.)¹⁰.

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3. OTHER INFORMATION

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

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⁹ Including any such aid granted before the entry into force of Guidelines, i.e. before 1.08.2014.
¹⁰ Please note 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.