

DECLARATION FORMS

STATE AID NOT APPLICABLE

2020 CALL FOR PROPOSALS
FOR RESEARCH AND INNOVATION PROJECTS
IN THE FIELDS OF ENERGY AND WATER

Version September 2020



1) Declaration Where State Aid Is Not Applicable

Applicants, or Partners in the case of a Consortium, that do not carry out economic activity within the meaning of Article 107 TFEU fall outside the scope of State aid and are required to fill out a declaration form that attests to this.

Public academic entities that qualify as research and knowledge-dissemination organisations are required to provide Declaration Form 1A.

Entities that do not carry out economic activity within the meaning of Article 107 TFEU (excluding public academic entities) are required to fill out Declaration Form 1B.



a) Public Academic Entities that Qualify as Research and Knowledge-Dissemination Organisations

Project Title: [Click or tap here to enter text.](#)

I, the undersigned, declare the following:

The planned research is to be carried out in the context of its activities as a “research and knowledge dissemination organisation” as defined in the Commission Framework for State aid for research and development and innovation (2014/C 198/01) paragraph 15(ee), which carries out a non-economic activity in line with the following:

- a) primary activities of research organisations and research infrastructures, in particular:
- education for more and better skilled human resources.
 - independent R&D for more knowledge and better understanding, including collaborative R&D where the research organisation or research infrastructure engages in effective collaboration;
 - wide dissemination of research results on a non-exclusive and non-discriminatory basis, for example through teaching, open-access databases, open publications or open software;

OR

- b) knowledge transfer activities, where they are conducted either by the research organisation or research infrastructure (including their departments or subsidiaries) or jointly with, or on behalf of other such entities, and where all profits from those activities are reinvested in the primary activities of the research organisation or research infrastructure. The non-economic nature of those activities is not prejudiced by contracting the provision of corresponding services to third parties by way of open tenders.

The Applicant confirms to fulfil all of the below, where applicable:

- c) publicise widely the results of the research;
- d) license on non-discriminatory terms any Intellectual Property Rights (IPRs) resulting from the research at the market price for the said IPR;
- e) any income from the licensing of IPR shall be reinvested in the primary educational and research activities of the Beneficiary;
- f) appropriate procedures shall be established to prevent the direct or indirect support of economic activity in the meaning of chapter 2 of the Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01).

The Applicant understands that, should it be found to be in breach of the conditions for being exempt from State Aid regulations, the Managing Authority will enforce the retrieval of funds with interest, in part or in full, as the case may necessitate.

The Applicant also undertakes to comply faithfully and immediately with any decision of the European Commission or a Maltese judicial authority declaring Article 107(1) TFEU to be applicable to this Agreement.

Signature of Legal Representative

Name: [Click or tap here to enter text.](#)

*Date:
(handwritten)*



**b) Entities Whose Activity Does Not Constitute An Economic Activity
In The Meaning Of Article 107 Of The Treaty On The Functioning Of The European
Union (Excluding Public Academic Entities)**

Project Title: [Click or tap here to enter text.](#)

I, the undersigned, declare the following:

State Aid within the meaning of Article 107 TFEU is not applicable to the Applicant and/or the type of research being undertaken is claimed by the Applicant not to constitute an economic activity within the meaning of Article 107 of the Treaty on the Functioning of the European Union. Where applicable, applicants need to ensure adherence to Section 2.2 “Indirect State aid to undertakings through public funded research and knowledge dissemination organisations and research infrastructures” of the Framework for State aid for research and development and innovation (2014/C 198/01).

The Applicant confirms to fulfil all of the below, where applicable:

- a) publicise widely the results of the research;
- b) license on non-discriminatory terms any Intellectual Property Rights (IPRs) resulting from the research at the market price for the said IPR;
- c) any income from the licensing of IPR shall be reinvested in the primary educational and research activities of the Beneficiary;
- d) ensure that no funds provided by this Agreement cross-subsidises any economic activities that may be carried out by the Beneficiary, other partners in the project, or third parties.

The Applicant understands that, should it be found to be in breach of the conditions for being exempt from State Aid regulations, the Managing Authority will enforce the retrieval of funds with interest, in part or in full, as the case may necessitate.

The Beneficiary undertakes to comply faithfully and immediately with any decision of the European Commission or a Maltese judicial authority declaring Article 107(1) TFEU to be applicable to this Agreement.

Signature of Legal Representative

Name: [Click or tap here to enter text.](#)

*Date:
(handwritten)*



2) GDPR Declaration

Each entity that submits personal data pertaining to data subjects as part of this application is required to fill in the below table (amending the number of rows as appropriate) and the form. In the case of a Consortium, kindly replicate the below table and the form according to the number of Partners, and fill in accordingly.

Entity name: Click or tap here to enter text.

Project title: Click or tap here to enter text.

	Name of Data Subject	Personal Data Submitted (e.g. Full Name, Employment Details, Salary Details etc.)	Role of Data Subject in Project (e.g. Key Researcher, Project Coordinator, Legal Representative of Entity etc.)	Signed Declaration from Data Subject Obtained
1	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
2	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
3	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
4	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
5	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.

Insert name of entity., hereby represented by Insert full name and surname. in capacity of Insert role. and authorised representative thereof hereby declares the following:

1. Personal data pertaining to Insert number of individuals. data subjects is being submitted as part of this application, as listed in the table submitted by Insert name of entity. (the Table).
2. Each of the individuals listed in the Table is aware that:
 - a) Their personal data is being submitted as part of this application, being a request for assistance under the 2020 Call for Proposals for research and innovation projects in the fields of energy and water (the Call for Proposals);
 - b) The Energy and Water Agency (the Agency) which is the Managing Authority for the Call for Proposals shall be the Data Controller for the Personal Data collected and processed in the course of the submission, assessment and administration of this application, and any resultant Grant Agreement, and that data shall be processed and retained under the legal bases established by Articles 6(1)(c) and 6(1)(e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the 'General Data Protection Regulation'), namely that "processing is necessary for compliance with a legal obligation to which the controller is subject" and "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller";



- c) Personal Data held by the Agency shall include data as described in the Table in the case of all applications and shall furthermore include the individual's salary information, where relevant, for Beneficiaries;
 - d) The Agency shall retain said data for a period of ten (10) years;
 - e) Any queries related thereto may be addressed to the Agency's Data Protection Officer at: dpo.ewa@gov.mt
3. A signed declaration confirming that they are aware of and understand all the elements listed in Point 2 has been obtained by (Entity Name) from all the individuals listed in the Table.

Insert name of entity. is aware that inspection and verification of the signed declarations referred to in Point 3 may be requested by the Agency at any time.

Should Insert name of entity.'s application be successful and a Grant Agreement entered into, Insert name of entity. undertakes to provide the Agency with an updated version of this declaration and of the associated Table to reflect the addition of any individuals whose personal data shall be submitted to the Agency in its administration of the Grant Agreement.

Signature

Name: Click or tap here to enter text.

Capacity/role: Click or tap here to enter text.

Date:

(handwritten)

