Additional Declarations

Personal Data Protection

1. **Contact Email Address of the Data Protection Officer:** dpo.xjenzamalta@gov.mt
2. **The Legal Basis and Purpose of Processing:** The personal data collected by Xjenza Malta (hereinafter ‘the Managing Authority’) via this written application for the aid and its subsequent processing by the Managing Authority to evaluate data subject’s request for aid under the Scheme is in line with:
3. The relevant National Rules for Participation.

ii. Commission Regulation (EU) No 651/2014 of 17th June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, as amended by Commission Regulation (EU) No 2017/1084 of 14 June 2017 amending Regulation (EU) No 651/2014 as regards aid for port and airport infrastructure, notification thresholds for aid for culture and heritage conservation and aid for sport and multifunctional recreational infrastructures, and regional operating aid schemes for outermost regions and amending Regulation (EU) No 702/2014 as regards the calculation of eligible costs, by Commission Regulation (EU) 2020/972 of 2 July 2020 amending Regulation (EU) No 1407/2013 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments, by Commission Regulation (EU) 2021/1237 of 23 July 2021 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, and by Commission Regulation (EU) 2023/1315 of 23 June 2023 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty and Regulation (EU) 2022/2473 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty, (hereinafter referred to as the ‘General Block Exemption Regulation’), in the case of those projects submitted under Regulation B of the National Rules for Participation – State aid.

1. Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (hereinafter referred to as the ‘de minimis Regulation’) in the case of those projects submitted under Regulation A of the National Rules for Participation – State aid.
2. Data Protection Act (CAP 586 of the Laws of Malta) and 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 (General Data Protection Regulation).
3. The legitimate basis to process personal data submitted by the data subject by virtue of his/her written application for aid is Regulation 6 (1)(b) of the General Data Protection Regulation (“GDPR”), as *‘processing is necessary in order to take steps at the request of the data subject prior to entering into a contract’.*
4. **Data Retention Period:**

The data collected by the Managing Authority as submitted by the data subject via this written application for aid will be retained for a period of ten (10) years from the date on which the last aid was granted under this scheme, in line with Article 12 of the General Block Exemption Regulation (where applicable) or Article 6 of the *de minimis* Regulation (where applicable). In the case of projects which are not awarded, data collected by the Managing Authority as submitted by the data subject, shall need to be retained for the duration of the funding programme or of the programming period.

1. **Pursuant to the GDPR Regulation, you have the right to access personal data, rectify inaccurate personal data, request to erase personal data, and request the Managing Authority to restrict the processing of personal data.**

To exercise such rights, you are to submit a written request to the Data Protection Officer via the contact e-mail address.

Any erasing and/or rectification of personal data and/or restriction of processing as referred to above may:

* 1. Render one or more cost items or the Entity ineligible for assistance under the Scheme or render void the Grant Agreement issued in favour of the Entity for assistance under the Scheme in relation to this written application for aid.
	2. Lead the Managing Authority to enforce a recovery of aid granted to the Entity as part of this written application for aid.
1. **Sharing of data where strictly necessary and required by law:**

For the purpose of processing this written application for aid in line with the National Regulation for the Call, the General Block Exemption Regulation or the de minimis Regulation, the Managing Authority may share the data provided via this application with other Government Entities, subject that such processing satisfies at least one of the grounds listed under Regulation of the GDPR. The use of the Scarlet Database owned by JobsPlus shall also be used to aid in the interpretation of the ‘enterprise size declaration’, the ‘undertaking in difficulty’ and the ‘de minimis declaration’ forms.

1. For the purpose of monitoring aid in line with Article 6 of the de minimis Regulation and Articles 11 and 12 of the General Block Exemption Regulation or where legally required, any data provided as part of this written application for aid may be shared with the European Commission.
2. For any individual aid award granted in line with Regulation B of the Rules for Participation - State aid that is in excess of €100,000 (or for beneficiaries active in primary agricultural production or in the fishery and aquaculture sector on each individual aid award exceeding €10,000) as part of this written application for aid, the details of the Beneficiary, the awarded aid, and the project details shall be published as provided for in Article 9 of the General Block Exemption Regulation.
3. If you feel that your data protection rights have been infringed, you have the right to lodge a complaint with the Information and Data Protection Commissioner.
4. **Authorisation to engage with the Managing Authority on matters** **related to this application**:

I the undersigned, as the legal representative of the Applicant Entity, authorise the following Legal Bodies and/or Natural Persons to act on my behalf with the Managing Authority concerning matters related to this written application for aid and any subsequent documentation exchanged between the two parties concerning the same written application for aid.

*The person giving authorisation should correspond to the data subject of personal data contained in this application as well as represent the Applicant Entity as its legal representative.*

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| Name of Legal Entity | Name and Surname of Natural Person Granted Authorisation[[1]](#footnote-1) | E-Mail Address of Party Granted Authorisation[[2]](#footnote-2) |
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| Name And Surname of The Person Giving Authorisation | Click or tap here to enter text. |
| E-Mail Address of The Person Giving Authorisation | Click or tap here to enter text. |
| Signature Of Person Giving Authorisation |  |
| Designation | Click or tap here to enter text. |
| Date | Click or tap here to enter text. |

## Cumulation of Aid

The undersigned declares that aid approved under this incentive is in line with the terms and conditions set out in the National Rules for Participation and in line with Article 5 of Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (where applicable), and Article 8 of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, as amended (where applicable).

## Double Funding

The undersigned confirms that there has not been any approval or has been granted any public funding, financing or fiscal benefit in respect to the cost items included in this request for aid and will not seek funding or fiscal benefits for these cost items through other National and/or European Union measures. Such measures may include:

1. Schemes administered by Xjenza Malta, Malta Enterprise, the Planning and Priorities’ Coordination Division (PPCD), the Measure and Support Division, Jobsplus, the Energy and Water Agency, and other government-funded schemes operated by other entities (such as JAMIE financial instrument).
2. Schemes funded through Horizon 2020, Horizon Europe, ERDF, ESF and any other European Union programmes/instruments.

## Outstanding Recovery Order

The undersigned confirms that the applicant is not subject to an outstanding recovery order following a previous Commission decision declaring an aid granted by Malta illegal and incompatible with the internal market.

## Transparency Obligations

For any individual aid award in line with Regulation A of the National Rules for Participation – State aid, as of 1 January 2026, information on *de minimis* aid granted under this scheme shall be made publicly available in a central register.

The following information shall be made public:

1. The identification of the beneficiary,
2. The aid amount,
3. The granting date,
4. The aid instrument, and
5. The sector involved on the basis of the statistical classification of economic activities in the Union (‘NACE classification’).

For any individual aid award in line with Regulation B of the National Rules for Participation – State aid, that is in excess of EUR 100,000 (or for beneficiaries active in primary agricultural production or in the fishery and aquaculture sector, on each individual aid award exceeding €10,000), the details of the beneficiary; the aid awarded; and the project details; shall be published as provided for in Article 9 of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, as amended.

By submitting this application, I hereby acknowledge that the Managing Authority shall abide by any applicable transparency rules and may publish and make available to third parties’ information as required by such rules.

Replicate for each partner:

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| I confirm that: |
| The information given in this form is accurate to the best of my knowledge. I understand that if it is later established that the information is misrepresented, the application or funded project may be ineligible or terminated respectively. | **I AGREE** [ ]  |
| I have read and accept the terms and conditions stipulated within the declarations above and the National Rules for Participation and confirm that I agree with the eventual publication of personal data and project proposal content information of successful applicants, including the name of the entity, project contacts, title of proposal and abstract. | **I AGREE** [ ]  |
| I accept and confirm that the personal data and project/activities proposal content information can be passed on to Xjenza Malta to be used solely for the purposes of administering, processing, and review of the application. | **I AGREE** [ ]  |
| I accept and confirm that the personal data and proposal content information can be passed on to third parties i.e., the Partner Organisation/s with whom I will be carrying out this project, solely for use in said project/activities, and that any misuse of the data or provision of data to parties outside this agreement will incur legal action.  | **I AGREE** [ ]  |
| In the case the proposal is selected for funding, the designated ‘Start of Works’ date of the project will be after the signing of the Grant Agreement.  | **I AGREE** [ ]  |
| I have never been found guilty by any competent Court in Malta or elsewhere of any crime[[3]](#footnote-3) and that I have never been adjudged bankrupt or insolvent by, or filed an application for insolvency before, any competent Court in Malta or elsewhere. | **I AGREE** [ ]  |
| I have never been disqualified[[4]](#footnote-4) or excluded from participation in any Public Tender either by the Government of Malta or by the European Union or by any public entity in Malta. | **I AGREE** [ ]  |
| I have never been disqualified[[5]](#footnote-5) or excluded from participation in any Public and/or European Union funding scheme. | **I AGREE** [ ]  |

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| Name of Legal Representative: | Click or tap here to enter text. |
| Position in Entity: | Click or tap here to enter text. |
| Contact Details: | Click or tap here to enter text. |
| Date: | Click here to enter a date. |
| Signature of Legal Representative & Entity Stamp: |  |

1. Leave empty if authorisation is intended for any natural person engaged with the Legal Entity. Otherwise, specify the name and surname of the person(s) working for the Legal Entity to whom the authorisation is intended. [↑](#footnote-ref-1)
2. Written communication with the Legal Entity and/or Natural Person granted authorisation via email will only be accepted via the email address specified in the table above. [↑](#footnote-ref-2)
3. *This Declaration does not extend to any traffic related offences where these have been made.* [↑](#footnote-ref-3)
4. *This Declaration does not extend to disqualification of any tender proposal due to technical reasons.* [↑](#footnote-ref-4)
5. *This Declaration does not extend to disqualification of any tender proposal due to technical reasons.* [↑](#footnote-ref-5)