Additional Declarations

**Personal Data Protection**

1. **Contact Email Address of the Data Protection Officer:** dpo.mcst@gov.mt
2. **The Legal Basis and Purpose of Processing:** The personal data collected by the Malta Council for Science and Technology (hereinafter ‘the Council) via this written application for the aid and its subsequent processing by the Council to evaluate data subject’s request for aid under the Scheme is in line with:
3. The relevant National Rules for Participation.
4. 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, subsequently amended 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, and 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 as may be subsequently amended (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.
5. 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 to de minimis aid (de minimis Regulation). This has now been amended by Commission Regulation (EU) 2020/972 of 2 July 2020, amending Regulation (EU) No 1407/203 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments, in the case of those projects submitted under Regulation A of the National Rules for Participation – State aid.
6. Data Protection Act, Chapter 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).
7. 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’.*
8. **Data Retention Period:** The data collected by the Council as submitted by the data subject via this written application for aid will be retained for a period of ten (10) years from the last aid granted to the Entity represented by the data subject in relation to this written application for aid, in line with the Scheme National Rules for Participation and Article 12 of the General Block Exemption Regulations (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 Council as submitted by the data subject, shall need to be retained for the duration of the funding programme or of the programming period.
9. **Pursuant to the Regulation, you have the right to access personal data, rectify inaccurate personal data, request to erase personal data, and request the Council 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 Council to enforce a recovery of aid granted to the Entity as part of this written application for aid.
10. **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 Council 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.
11. For the purpose of monitoring aid in line with Article 6 of the de minimis Regulations and Articles 11 and 12 of the General Block Exemption Regulations or where legally required, any data provided as part of this written application for aid may be shared with the European Commission.
12. For any individual aid awarded in excess of €500,000 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.
13. 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.
14. **Authorisation to engage with the Council 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 Council 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.

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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 |  |
| E-Mail Address of The Person Giving Authorisation |  |
| Signature Of Person Giving Authorisation |  |
| Designation |  |
| Date |  |

*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.*

**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 Cumulation Article 8 of the 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.

**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 Malta Council for Science & Technology (MCST), Malta Enterprise, the Planning and Priorities’ Coordination Division (PPCD), the Measure and Support Division, the Tourism and Sustainable Development Unit (TSDU), 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, 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 illegal and incompatible with the internal market should be excluded from the scope of this Regulation.

**Transparency Obligations**

For any individual aid awarded in excess of EUR 500 000, the details of the beneficiary; the aid awarded; and the project details; shall be published as provided for in Article 9 of the 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.

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

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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 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:** |  |

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| --- | --- |
| **Signature & Stamp of Legal Representative for ALL other Maltese partners:** |  |
| **Date:** | Click here to enter a date. |

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)