

DECLARATION ON THE ECONOMIC ACTIVITIES OF AN ANR PROJECT PARTNER

The purpose of this form is to qualify the partner entities of projects selected for full or partial funding by the ANR, and to assess whether it is necessary to check:

- ▶ The Aid compatibility in view of common principles of assessment¹ (in particular the intensity rate, incentive effect),
- ▶ The absence of indirect aid by drafting, in case of a collaborative project, a consortium² agreement.

The ANR must assess the volume of economic activities carried out by the entity with regard to its overall annual capacity.

The economic activity refers to any provision of goods or services corresponding to a market, including potential, and which may compete with offers proposed by other economic actors. A profit or non-profit status is not discriminating.

This form must be completed every year, within 3 months of the approval of the company's financial statements. Please fill in all fields below/check the answer(s) that apply to your situation. The ANR reserves the right to conduct audits/request additional documents to confirm the information provided.

IDENTIFICATION OF THE RECIPIENT

Company registration Number/SIRET Number:
Name and legal form of the organisation:
Qualifications, connections, labels recognised by the State:
Head office address:

My entity carries out research tasks/efforts of the project funded (through one of its departments/affiliated laboratories/institutions with the same SIREN number). **If not, please specify the name and number or the performing entity:**

AUTONOMY AND INDEPENDENCE

Does my entity have:

Its own budget?

YES NO

Dedicated accounting?

YES NO

Financial autonomy?

YES NO

Autonomy of decisions?

YES NO

Does another entity exercises control under the following conditions³:

▶ Control over 25% of the voting rights or ownership of my entity capital?

YES NO

▶ Right to appoint or dismiss most of the members of the decision-making body of my entity

YES NO

▶ Exercising decisive influence over my entity (shareholders or partners...) and privileged access to the produced results?

YES NO

In case of control, please clarify the name and SIREN number of the concerned entity:

¹ Paragraph 4 of the Framework on State Aid for research, development, and innovation (2014/C 198/01)

² Paragraph 5.3.1. of the ANR's Funding regulations (ANR-RF-2019-1)

³ The autonomy and independence of the entity are assessed with regard to its possible control exercised by another entity (more than 25% of the voting rights or capital ownership, right to appoint or dismiss most of the members of the decision-making body, dominant influence). See Article 3 of Appendix 1 of Commission Regulation 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.

ACTIVITIES

NON-ECONOMIC ⁴	ECONOMIC
<p>TRAINING/EDUCATION: YES <input type="checkbox"/> NO <input type="checkbox"/></p> <ul style="list-style-type: none"> State-recognised and supervised⁵ <p><u>AND</u></p> <ul style="list-style-type: none"> Funded mainly or entirely from the public budget⁶ <p>CARE/HEALTH: YES <input type="checkbox"/> NO <input type="checkbox"/></p> <ul style="list-style-type: none"> Activities provided by institutions that are part of the French national health system (Public Hospital Service) <p><u>AND</u></p> <ul style="list-style-type: none"> that meets the requirements of solidarity: free access to healthcare or billing covering only a limited fraction of the actual service cost due to financing through social contributions and other public funds⁷, not for profit. <p>INDEPENDENT AND/OR COLLABORATIVE R&D⁸ YES <input type="checkbox"/> NO <input type="checkbox"/> <i>≠ provision of services</i> Involvement in a research project aimed at sharing knowledge/technology or working towards a common goal, with joint definition of the project and tasks sharing, financial risks and results, excluding research contracts on behalf of a company.</p> <p>DISSEMINATION OF RESEARCH RESULTS YES <input type="checkbox"/> NO <input type="checkbox"/> <i>Non-exclusive, non-discriminatory basis, where results are widely disseminated⁹</i> By way of scientific publications, symposia, conferences, theses, etc. Through staff working on the project within the framework of other missions, through training, etc.</p> <p>KNOWLEDGE TRANSFER YES <input type="checkbox"/> NO <input type="checkbox"/> Activities allowing direct use of research results (symposia, seminars, publications, etc.) <i>where the benefits of this activity are reinvested in research/training activities.</i></p>	<p>TRAINING/EDUCATION: YES <input type="checkbox"/> NO <input type="checkbox"/></p> <ul style="list-style-type: none"> Education/training recognised or not by the French National Education System¹⁰ <p><u>AND</u></p> <ul style="list-style-type: none"> Mainly funded by commercial revenue or by parents/pupils¹¹ with a competing offer. <p>CARE/HEALTH YES <input type="checkbox"/> NO <input type="checkbox"/> Fully funded (at the real cost of the service) by the patient or using private funds, with a competing offer.</p> <p>PROVISION OF SERVICES YES <input type="checkbox"/> NO <input type="checkbox"/> <i>Consultancy, research under contract/research contract, provision of services, infrastructure rental, ...</i> Refers to services which do not involve joint financial risks, but comply with what has been ordered, services performed on behalf of third parties:</p> <p>PRODUCTION AND SALES OF GOODS YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>KNOWLEDGE TRANSFER YES <input type="checkbox"/> NO <input type="checkbox"/> Activities for the direct use of research results (symposia, seminars, publications, etc.), <i>without reinvesting the profits resulting from this activity in research/training activities.</i></p>

⁴ Subcontracting of relevant services to third parties, through open tenders, is possible

⁵ Paragraph 29 of §2.5 of the aforementioned Commission Communication. It refers to education/training provided by structures subject to direct control by the State, attached to the French National Education System: public or labelled institutions, whether approved by and partners of the State.

⁶ State funding can be constituted by any contribution/grant/benefits such as staff, facilities, buildings, land, equipment/furniture, etc. already funded by the State and which can be valued monetarily.

⁷ See paragraph 24 of the aforementioned Commission communication. Provision of service, free of charge, based on universal health care coverage.

⁸ Fundamental research, industrial research, or experimental development activities.

⁹ Through teaching, publications, or knowledge transfer. The results must be easily accessible to the largest number of people.

¹⁰ Because they are provided by institutions that are attached to the French National Education System. Non-labelled institutions, not approved by the State, nor partners of the State on the education/training provided

¹¹ Paragraph 30 of §2.5 of the Commission Communication on the concept of “State Aid” as referred to Article 107, paragraph 1, of the Treaty on the Functioning of the European Union (2016/C 262/0)

ANNUAL OVERALL CAPACITY

EXPENDITURE OF THE ORGANISATION LAST FINANCIAL YEAR CONSOLIDATED OR VOTED ¹²	ECONOMIC ACTIVITES CONDUCTED BY THE ORGANISATION	COSTS ALLOCATED TO THE ECONOMIC ACTIVITES OF THE ORGANISATION (LAST FINANCIAL YEAR)	
<ul style="list-style-type: none"> - Purchasing costs of goods + stocked and non-stocked purchases - Staff costs (salaries, salaries and social contributions, taxes and other contributions on remuneration) - Subcontracting (external services: security, consulting, legal fees, etc.) - External operating costs excluding subcontracting (utilities, rent, consumables, etc.) - Other day-to-day management costs (patents, licence fees, memberships, etc.) - Financial costs, extraordinary costs - Taxes and similar levies (excluding payroll taxes) - Funding of depreciation and other allowances - Other 	<input type="checkbox"/> TRAINING/EDUCATION Funded mainly by commercial revenue or parent/pupils ¹³ or with a competing offer. <input type="checkbox"/> CARE/HEALTH Fully funded by the patient or using private funds, with a competing offer. <input type="checkbox"/> PROVISION OF SERVICES <input type="checkbox"/> PRODUCITON AND SALE OF GOODS <input type="checkbox"/> KNOWLEDGE TRANSFER without reinvesting the profits resulting from this activity in research/training activities.	a) Purchasing costs of goods + stocked and non-stocked purchases	€
		b) Staff costs (salaries, salaries and social contributions, taxes and other contributions on remuneration)	€
		c) Subcontracting (external services: security, consulting, legal fees, etc.)	€
		d) External operating costs excluding subcontracting (utilities, rent, consumables, etc.)	€
		e) Other day-to-day management costs (patents, licence fees, memberships, etc.)	€
		f) Financial costs, extraordinary costs	€
		g) Taxes and similar levies (excluding payroll taxes)	€
		h) Funding of depreciation and other allowances	€
		i) Other	€
TOTAL 1 (total expenditure of the organisation) €	TOTAL 2 (costs allocated to the economic activities of the structure) = (a+b+c+d+e+f+g+h+i) €		

CALCULTAING THE RATIO

Total 2 (economic activities costs) / Total 1 (expenditure of the organisation)

If the organisation carries out economic and non-economic activities

ACCOUNTING

Does the entity have access to cost accounting (or any other formalised system to pinpoint its economic activities and their costs)?

YES NO

Done in Paris, on.....

Signature¹⁴ By signing below, I certify that the data provided are complete, sincere and true.

¹² Operating and financial costs: raw materials, rents, insurance, maintenance, purchase of goods, external services and other including temporary staff and administrative tasks, salaries, staff costs, taxes and dues, labour cost, cost of production/goods sold, etc.

¹³ Paragraph 30 of § 2.5 of the Communication from the Commission on the notion of 'State Aid' as referred to in Article 107, paragraph 1, of the Treaty on the Functioning of the European Union (2016/C 26/201).

¹⁴ By the person authorised on behalf of the entity.

Article 2.1 of the Communication from the European Commission relating to a Framework of State aid for research, development and innovation (2014/C 198/01)

“19. The Commission considers that the following activities are generally of a non-economic nature:

a) Main activities of research organisations and research infrastructures, in particular:

- education for more and better skilled human resources.

Pursuant to case-law¹⁵ and decisional practice of the Commission¹⁶, and as explained in the Communication on the notion of State aid and the SIEG Communication¹⁷, public education organised under the national education system, mainly or fully funded, and also supervised by the State is considered as a non-economic activity¹⁸,

- independent R&D activities to gain more knowledge and a better understanding, including collaborative R&D activities in which research organisations or research infrastructures are working in effective collaboration¹⁹,

- wide non-exclusive and non-discriminatory dissemination of research results, for instance through learning, open-access databases, publications and softwares.

b) knowledge transfer activities, provided that they are carried out either by the research organisation or research infrastructure (and their departments or subsidiaries), or jointly with, or on behalf of, other such entities, and that **any profit resulting from such activities are reinvested in the main activities or the research organisation or research infrastructure**. The non-economic nature of these activities is not prejudiced by the subcontracting of corresponding services to third parties through open tenders.

20. When a research organisation or a research infrastructure is used for both economic and non-economic activities, public funding is governed by State Aid regulation, only insofar as it covers economic activity costs. If the research organisation or research infrastructure is used almost exclusively for a non-economic activity, its funding may fall outside of State Aid rules, insofar as its use for economic purposes remains purely secondary, in other words corresponds to an activity which is directly linked to and required for the proper functioning of the research organisation or research infrastructure, or which is inherently linked to its main non-economic use, and limited in scope.

For the purposes of this Framework, the Commission will consider this to be the case when the economic activity consumes exactly the same inputs (such as material, equipment, labour and fixed capital) as non-economic activities and the capacity allocated each year to these economic activities does not exceed 20% of the relevant entity's overall annual capacity.”

¹⁵ Judgment of the Court of 27 September 1988 in case C-263/86, *Humble and Edel* [1988], ECR I-5365, p. 9, 10 and 15-18, and Judgment of the Court of 7 December 1993 in case C-109/92, *Wirth* [1993] ECR I-6447, p. 15.

¹⁶ See, for example, cases NN54/2006, Přerov logistics College, and N343/2008, Individual Aid to Nyiregyhaza to develop the Partium Knowledge Centre.

¹⁷ See paragraphs 26-29 on the communication of the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest (OJ C 8, 11.1.2022, p. 4)

¹⁸ Labour force training, as defined in the State Aid rules on training aid, cannot be qualified as a main non-economic activity of research organisations.

¹⁹ The provision of R&D services and R&D carried out on behalf of enterprises are not considered as independent R&D.