


<p>VEH 074</p> <p>FINANCIAL HEALTH DECLARATION</p> <p>2024</p>	<p>Transport Malta Land Transport Directorate</p> <p>Telephone: 80072393/25560000 Email: info.tm@transport.gov.mt Website: www.transport.gov.mt</p>	
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PART 1 – PURPOSE OF THIS DECLARATION

This declaration is required as a supporting document for applications for government incentives administered by Transport Malta and which are subject to the State Aid rules stipulated in Article 36 of Commission Regulation (EU) No. 651/2014¹ - the General Block Exemption Regulations (GBER).

The declaration may be submitted by the following type of applicants:

- Undertakings established in Malta (e.g. business organisations); and
- Voluntary Organisations that carry out an economic activity within the meaning of Article 170 TFEU.

For the purpose of this declaration, all definitions include in the GBER shall apply.

Through this declaration, a warranted auditor shall declare whether the applicant falls within the scope of the definition of ‘undertaking in difficulty’ stipulated in the afore-mentioned regulation, and reported below for applicant’s convenience:

- ‘undertaking in difficulty’ means an undertaking in respect of which at least one of the following circumstances occurs:
 - a) In the case of a limited liability company (other than an SME that has been in existence for less than three years [...]), where more than half of its subscribed share capital has disappeared as a result of accumulated losses. 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. For the purposes of this provision, ‘limited liability company’ refers in particular to the types of company mentioned in Annex I of Directive 2013/34/EU (1) and ‘share capital’ includes, where relevant, any share premium.
 - b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years [...]) where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses. For the purposes of this provision, ‘a company where at least some members have unlimited liability for the debt of the company’ refers in particular to the types of company mentioned in Annex II of Directive 2013/34/EU.
 - c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors.
 - d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee, or has received restructuring aid and is still subject to a restructuring plan.
 - e) In the case of an undertaking that is not an SME, where, for the past two years:
 - 1) the undertaking’s book debt to equity ratio has been greater than 7,5 and
 - 2) the undertaking’s EBITDA interest coverage ratio has been below 1,0.

For the purpose of this declaration, the term ‘undertaking’ shall be understood to refer to the applicant undertaking and to any Partner or Linked enterprises as defined in Articles 3(2) and 3(3) of ANNEX I to the GBER, respectively.

NOTE: The latest audited accounts of the applicant undertaking, including any available consolidated accounts, shall be attached to this form upon submission.

¹ 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

PART 2 – DETAILS OF APPLICANT UNDERTAKING REFERRED TO IN THIS DECLARATION

Name of Undertaking*	
Undertaking Registration Number*	
Registered Address*	

PART 3 – DECLARATION BY WARRANTED AUDITOR

I, the undersigned and holding the auditor warrant indicated below, hereby declare that :

- I have analysed in detail the applicant undertaking's latest audited accounts and any other financial information available to me concerning the same undertaking;
- I have established whether the applicant undertaking has any partner or linked enterprises as defined in Articles 3(2) and 3(3) of ANNEX I to the GBER, and analysed their respective latest audited accounts and financial information, including any available consolidated accounts; and
- I have used all the available information based on which I confirm that the applicant undertaking IS NOT to be considered as an undertaking in difficulty based on the definition included in the GBER.

I hereby also declare that the statements made, and information given in this declaration, are true and correct. I understand that giving false or misleading information in connection with this declaration is a serious offence and may be treated as a fraudulent claim and may even lead to the revocation of my auditor's warrant.

Where a fraudulent claim arises, Transport Malta may institute criminal proceedings against those responsible. In the event of an incorrect payment of a claim, Transport Malta reserves the right to recover funds paid in error.

Name and Surname of warranted auditor*			
Identity card number*		Warrant No:	
Signature*			
Stamp (Optional)			
Date of Declaration*			

*Declarations with any missing information will be considered null and void. Transport Malta renounces any responsibility for any missed incentives or opportunities, or any other damages, incurred by applicant undertakings who submit an incomplete or incorrect declaration.

Data Protection Privacy Notice

The Authority for Transport in Malta (Transport Malta) of Triq Pantar, Lija, Malta, LJA 2021 is the Data Controller for the purpose of the Data Protection Act CAP 586 and the General Data Protection Regulation (EU) (GDPR) 2016/679. This Privacy Notice sets out the way in which we collect and process your Personal Information, as well as the steps we take to protect such information.

1. The information we collect and how we use it

- 1.1. From this Application Transport Malta collects different types of information which information is that required by Law and is used explicitly for your applications. It is to be noted that if the required information is not provided the said application could not be processed.
- 1.2. The primary purpose for collecting information is mainly to process the applications related to granting of financial incentives, however, your Personal information may also be used for related purposes that amongst other include: sending notifications, requesting additional information, and for the provision of information with regards to any legislative amendments which may affect the services offered to you.

2. To whom we disclose information

- 2.1. This information will be solely used for the reasons detailed above. However, there may be cases where personal information is shared with the following third parties for reasons listed below;
 - Any other government entities involved in the provision of financial incentives;
 - Any third party concerned with this provision, management and control of such financial incentives, including auditors reviewing the internal process of the Authority or any other government department, entity, body or agency involved in the provision, management or control of financial incentives.

3. Data Subject Rights

- 3.1. With respect to your privacy rights, Transport Malta is obliged to provide you with reasonable access to the Personal Data that you have provided to us. Your other principal rights under data protection law are:
 - a. the right for information;
 - b. the right to access;
 - c. the right to rectification;
 - d. the right to erasure;
 - e. the right to restrict processing;
 - f. the right to object to processing;
 - g. the right to data portability;
 - h. the right to complain to a supervisory authority; and
 - i. the right to withdraw consent.

- 3.2. If you wish to access or amend any Personal Data we hold about you, or to request that we delete any information about you, you may contact us by sending a request to dataprotection.tm@transport.gov.mt. We will acknowledge your request within seventy-two (72) hours and will do our utmost to handle it promptly. We will respond to these requests within a month, with a possibility to extend this period for particularly complex requests in accordance with Applicable Law.

- 3.3. At any time, you may object to the processing of your Personal Data, on legitimate grounds, except if otherwise permitted by applicable law.

- 3.4. In accordance with Applicable Law, we reserve the right to withhold personal data if disclosing it would adversely affect the rights and freedoms of others. Moreover, we reserve the right to charge a fee for complying with such requests if they are deemed manifestly unfounded or excessive.

4. Retention period

- 4.1. Personal data will be retained for not more than 12 months from date of application should the application not be submitted complete or is rejected.
- 4.2. Once the grant is issued, we will retain your information for as long as needed to provide you with our service, or to comply with our legal obligations, resolve disputes and enforce our agreements.

5. Security

- 5.1. We take appropriate security measures to protect against loss, misuse and unauthorized access, alteration, disclosure, or destruction of your information. Additionally, steps will also be taken to ensure the ongoing confidentiality, integrity, availability, and resilience of systems and services processing personal information, and will restore the availability and access to information in a timely manner in the event of a physical or technical incident. All information gathered is kept confidential and is used solely for the processing of applications for financial incentives.
- 5.2. If we learn of a security systems breach, we will inform you of the occurrence of the breach in accordance with applicable law.

6. Governing Law

All data collected in this form is processed in accordance with the Privacy Laws that include General Data Protection Regulation (Regulation 2016/679/EU) and Chapter 586 of the Laws of Malta (Data Protection Act).

7. Data Protection Officer

- 7.1. Transport Malta has a Data Protection Officer ("DPO") who is responsible for matters relating to privacy and data protection. The DPO can be reached at the above address or by email: dataprotection.tm@transport.gov.mt

8. Contacting us

- 8.1. Please address any questions, comments and requests regarding the application process to info.tm@transport.gov.mt