

While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Statutory Order no. 1092 of 9 September 2015. Only the Danish document has legal validity.

January 2017, GlobalDenmark Translations

Statutory Order on the Environmental Technology Development and Demonstration Programme

The following shall be laid down pursuant to section 10, section 17(5), section 18, and section 21(2) of Act no. 130 of 10 February 2015 on the Environmental Technology Development and Demonstration Programme:

Scope

1. This Statutory Order lays down more detailed regulations on the subsidy scheme pursuant to the Environmental Technology Development and Demonstration Programme Act.

Application, funding conditions, commitment etc.

2.-(1) Applications shall be submitted to the Danish EPA enclosing a completed application form, budget form and additional material as referred to in section 4.

(2) The forms shall be available on www.virk.dk when a call for application is announced and until the closing date for applications.

3.-(1) The application shall be signed by the relevant management group of the applicant. When several applicants participate in the same project, the application shall be signed by the relevant management group of the applicant as well as of the co-applicant, cf. however, subsection (2).

(2) If the applicant or co-applicant has given a power of attorney to sign the application, the application may be signed by the holder of the power of attorney.

4.-(1) An application shall include the following:

1) Name, address, telephone number, email address, Danish civil registration number (CPR number)/central business registration number (CVR number)/commercial register number (SE number) or similar foreign identification information, bank details and sector code of the applicant.

2) Name, address, Danish civil registration number (CPR number)/central business registration number (CVR number)/commercial register number (SE number) or similar foreign identification information, bank details and sector code of each co-applicant.

3) Name and contact details of a project manager responsible for contact with the Board and the supervisory authority. In projects with several participants, the applicant shall state only one project manager.

4) The size of the applicant and any co-applicant stated in accordance with Article 2(2), cf. Annex 1, and Article 2(24) of Commission Regulation no. 651/2014/EU of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (the Block Exemption Regulation).

5) The physical location of the project if this is different from the official address of the applicant.

6) Description of the background, objective, target group, activities, organisation, quality assurance and expected results of the project.

7) The project time schedule, including start date and end date.

8) Description of the environmental and resources perspectives of the project.

9) Description of the commercial perspectives of the project.

10) Description of the technological news value of the solution.

11) Description of how the applicant and any co-applicant will disseminate the results obtained to relevant target groups.

12) Budget for the project as well as funding applied for and co-funding. The budget shall cover all project costs for which funding is applied and any requests for payment by instalments, cf. section 13(1).

13) Information on the extent to which funding for the relevant project has been applied for from other public funds and whether a decision has been made regarding funding from such other public funds.

(2) The applicant and any co-applicant shall enclose the most recently approved financial statements for the applicant and any co-applicant as well as CVs for key employees in the project. If approved financial statements

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are not available because the applicant and any co-applicant are newly established, the applicant and co-applicant shall enclose a revised budget for their first year.

(3) Applications for funding to be granted pursuant to Commission Regulation no. 1407/2013/EU 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 (the de minimis Regulation) shall be enclosed with a declaration on compliance with the regulations on de minimis aid. Moreover, the applicant and any co-applicant shall state the total amount of de minimis aid received by the applicant and any co-applicant from public authorities within the past three years.

(4) The Board may request additional information about the application from the applicant and any co-applicant.

5. Deadlines for submission of applications shall be published on www.virk.dk.

6.-(1) The applicant or any co-applicant shall notify the Board if, after submission of the application, changes have been made to the applicant's own conditions that are important to the grant of commitment.

(2) Notification pursuant to subsection (1) shall be submitted to the Danish EPA.

7.-(1) Commitment of funding may only be granted within the framework of the Block Exemption Regulation and the de minimis Regulation.

(2) Commitments shall contain terms for funding, including terms for publication of the project results and the deadline for the applicant to announce whether the commitment will be utilised.

(3) Commitments of funding shall be granted in writing to the applicant and any co-applicant.

8. The Board may lay down amended or supplementary terms for funding, including regarding reduction in funding if funding from other sources subsequently proves to exceed the level expected when the commitment was granted pursuant to section 7 of the Act.

9.-(1) Equipment and software wholly or partly procured with the funding are the property of the applicant and any co-applicant, cf. however, subsection (5), unless otherwise stated in the funding commitment.

(2) The applicant and any co-applicant shall keep a list of equipment and software wholly or partly procured with the funding. The Danish EPA may require the list to be enclosed with the final payment request.

(3) During the project, equipment which has been wholly or partly procured with the funding shall be available for the project and it may not be used for purposes which are not part of the project, unless otherwise stated in the application or approved in writing by the Board.

(4) The beneficiary shall ensure that equipment, installations and similar wholly or partly procured with the funding are secured appropriately during the project, including with appropriate insurance cover.

(5) Equipment and software wholly or partly procured with the funding may not be transferred, rented out or passed on for other purposes within five years from completion of the project without approval from the Board.

Accounts and audit

10.-(1) Upon completion of the project, the applicant shall submit complete accounts for the project, as well as any audit opinion, cf. subsection (4).

(2) The accounts shall include all expenses and revenues related to the project in the form of detailed accounts which, as a minimum, are in accordance with the format of the budget as set out in instructions from the Danish EPA. The Danish EPA may demand that the applicant and any co-applicant submit all accounting vouchers for review.

(3) The relevant management group of the applicant shall certify the accounts of the project. The relevant management group of any co-applicant shall certify its part of the accounts of the project. Where a power of attorney exists, the holder of such power of attorney may certify the accounts, or part of the accounts, respectively.

(4) Furthermore, the accounts of projects for which funding exceeds DKK 100,000 shall be audited by a registered or state-authorised public accountant or by the municipal auditors. This shall not apply to beneficiaries who are subject to audit by Rigsrevisionen (the Danish Auditor General's Office).

Reporting

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11. As part of completion of the project, in accordance with detailed instructions from the Danish EPA, the applicant and any co-applicant shall provide scientific information about the completion and results of the project, as well as any other relevant information which may serve as a basis for assessing whether the conditions for payment of funding have been met.

Payment of funding

12.-(1) Funding may not be paid until the applicant and any co-applicant have documented to the Danish EPA that the project has been completed in accordance with the commitment, and the applicant and any co-applicant have submitted accounts, cf. section 10, and reports, cf. section 11, and have paid all expenses, cf. however, section 13.

(2) The applicant and any co-applicant shall each submit to the Danish EPA their request for payment of funding.

13.-(1) In the commitment of funding or later, the Board may decide that the funding is to be paid by instalments corresponding to the expenditure actually incurred.

(2) If the funding is paid by instalments, interim accounts shall be prepared, and scientific documentation shall be presented regarding activities carried out and results achieved during the period covered by the payment.

14. The Board shall make decisions pursuant to section 13 of the Act regarding cancellation or repayment of funding.

Appeals

15. Decisions by the Danish EPA may not be appealed to the Minister for the Environment and Food.

16. Decisions may be brought before by the Environmental Board of Appeal in accordance section 19 of the Act.

Penalties

17.-(1) Unless another penalty is due under other legislation, fines shall be imposed on any person who

1) Upon completion of the project, fails to submit complete accounts for the project, as well as any audit opinion, cf. section 10(1) and (4),

2) Upon completion of the project, fails to provide scientific information about completion and results of the project, cf. section 11, or

3) fails to comply with the terms for publication of the results of the project.

(2) Companies etc. (legal persons) may be subject to criminal liability according to the provisions in chapter 5 of the Criminal Code.

Entry into force etc.

18.-(1) This Statutory Order shall enter into force on 24 September 2015.

(2) Statutory Order no. 784 of 4 September 2003 on funding for cleaner products and on the Environmental Council for Cleaner Products shall be repealed.

The Ministry of Environment and Food of Denmark, 9 September 2015

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/ Michel Schilling