

**STATUTORY DECLARATION IN RESPECT OF THE BREXIT ADJUSTMENT RESERVE, PROCESSING
CAPITAL SUPPORT SCHEME¹**

I,² of
.....³ in the county of
aged eighteen years and upwards do SOLEMNLY AND SINCERELY DECLARE as follows:-

1. I am a director of (the “**Company**”)⁴. I can confirm that I am authorised by and on behalf of the Company to make this declaration and am doing so in relation to an application submitted, by the Company, to An Bord Iascaigh Mhara pursuant to the Processing Capital Support Scheme.

2. I declare the Company is at the date of this Declaration a Small or Medium Sized Enterprise (an SME) as defined in EU recommendation 2003/61 and meaning that it is an enterprise:
 - With fewer than 250 employees; and
 - Having either an annual turnover not exceeding €50 million, or an annual balance-sheet total not exceeding €43 million; and
 - That is autonomous

as set out in the European Commission’s User Guide to the SME Definition⁵.

3. I can confirm that the Company represents and warrants that it is not directly or indirectly, whether by way of its funding or its shareholding, affected by the European Council decisions, (2014/386/CFSP) and (2014/512/CFSP) imposing restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

4. I can confirm that the Company has engaged⁶ (the “**Auditors**”)
who have prepared and reviewed the audited financial statements of the Company dated

¹ A statutory declaration is a formal statement made affirming that something is true to the best knowledge of the person making the declaration. It has to be signed in the presence of a solicitor, commissioner for oaths or notary public. This statutory declaration must be completed by the applicant’s accountant prior to any grant approval under the Processing Capital Support Scheme.

² Insert name

³ Insert director’s address.

⁴ Insert name of applicant company.

⁵ https://ec.europa.eu/regional_policy/sources/conferences/state-aid/sme/smedefinitionguide_en.pdf

⁶ Insert name of auditors.

.....⁷. I say that these financial statements are appended to this declaration at **Appendix A**.

5. I can further confirm that according to the audited financial statements and the enquiries made by myself and by the Company and the information given to me by the Auditors, the Company is not insolvent. I confirm that for the purposes of this declaration “insolvent” means unable to pay its debts as they fall due within the meaning of Section 570 of the Companies Act, 2014 ⁸and/or having an excess of liabilities over assets in its balance sheet. I refer to a letter from the Auditors confirming the basis for this opinion which is appended to this declaration at **Appendix B**.
6. In my opinion based upon the audited financial statements of the Company, the letter from the Auditors and the enquiries made and information given to me, the Company is solvent, within the meaning of Section 570 of the Companies Act 2014 and is currently trading as a going concern within the meaning of Paragraph 12 of Schedule 3 of the Companies Act 2014. I say that based on all the information available to me at the date of this declaration the Company will continue to be solvent for the duration of the Processing Capital Support Scheme.
7. I declare that as at the date of this declaration and at no time in the past three years has there been any:
 - i. legal proceedings taken against the Company which would or could impact on its solvency or otherwise be prejudicial to its financial position;
 - ii. demand made or execution levied against the Company or any of its assets or goods which has gone unresolved for 30 days or more;
 - iii. threat made to the Company to appoint a receiver, liquidator or examiner to the Company (or anything analogous to the foregoing); or

I make this solemn declaration conscientiously believing the same to be true and accurate, for the satisfaction of **An Bord Iascaigh Mhara** pursuant to the provisions of the Statutory Declarations Act 1938.

⁷ Insert date of audited financial statements. NB – financial statement must be dated within 18 months of application.

⁸ The companies act test of insolvent is being unable to pay a debt due by the company of €10,000 within 21 days of written demand for payment. However, a company can also be “balance sheet” insolvent where it has an excess of liabilities over assets. Where this is the case In this situation, an explanation must be provided.

DECLARED before me

a commissioner for oaths / practising solicitor

by

Declarant/Applicant

[who is personally known to me]

[or: who is identified to me by

who is personally known to me]

at

in the City/County of.....

this day of 20....

Commissioner for Oaths / Practising Solicitor

APPENDIX A

APPENDIX B