

**STATUTORY DECLARATION IN RESPECT OF THE BREXIT ADJUSTMENT RESERVE, BREXIT
SUSTAINABLE AQUACULTURE GROWTH SCHEME**

I,¹ of

.....² in the county of

aged eighteen years and upwards do SOLEMNLY AND SINCERELY DECLARE as follows:-

1. I am a [sole trader working under the business name of
...../member of/director of
.....(the "Applicant")³]. I can confirm that I am authorised by and on behalf of the Applicant to make this declaration and am doing so in relation to an application submitted, by the Applicant, to An Bord Iascaigh Mhara pursuant to the Brexit Sustainable Aquaculture Growth Scheme .
2. If applying for the SME rate, 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 50 employees; and
 - Having either an annual turnover and/or an annual balance-sheet total not exceeding €10 million; and
 - That is autonomousas set out in the European Commission's User Guide to the SME Definition⁴
3. I can confirm that the Applicant 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.

¹Insert name

² Insert sole trader/member/director's address.

³ Insert name of applicant business/cooperative/company as appropriate.

⁴ https://ec.europa.eu/regional_policy/sources/conferences/state-aid/sme/smedefinitionguide_en.pdf

4. I can confirm that the Applicant has engaged⁶ (the “Accountants”) who have prepared and reviewed the financial statements of the Applicant dated _____. These financial statements are appended to this declaration at Appendix A⁸.
5. I can further confirm that according to the financial statements, the Applicant is not insolvent and is currently trading as a going concern within the meaning of Paragraph 12 of Schedule 3 of the Companies Act 2014. 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 ⁹. I refer to a letter from the Accountants confirming the basis for this opinion which is appended to this declaration at Appendix B¹⁰.
6. I can confirm that if applying as a Start-Up entity, the Applicant has provided a business plan in the attached template together with the required financial statements.
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); o declare that as at the date of this declaration and at no time in the past 3 years has there been any legal proceedings taken against the Applicant which would or could impact on its solvency or otherwise be prejudicial to its financial position

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.

DECLARED before me

Practising Solicitor/Commissioner of Oaths/Notary Public/Qualified Accountant
(Please strike out as appropriate)

⁵ The total amount of *de minimis* aid to a single undertaking shall not exceed €200,000 over any period of 3 calendar years. Under the Commission Regulation 717/2014, the total amount of *de minimis* aid to a single undertaking in the fishery and aquaculture sector

shall not exceed €30,000 over any period of 3 calendar years.

⁶ Insert name of auditors.

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

⁸ If a start-up company, paragraph 5 does not apply

⁹ The test of insolvency is being unable to pay a debt due by the company of €10,000 or the value of the grant whichever is the lower, within 21 days of written demand for payment. Where this is not the case but the applicant regards themselves as being solvent an explanation must be provided.

¹⁰ If a start-up company, paragraph 6 does not apply

Accountancy Body if a Qualified Accountant

Membership Number if a Qualified Accountant

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....

Practising Solicitor/Commissioner of Oaths/Notary Public/Qualified Accountant
(Please strike out as appropriate)

APPENDIX A

APPENDIX B