



GOVERNMENT
OF MALTA



Retrofit

Guidance Notes¹

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Definitions

Aid Intensity means the gross aid amount expressed as a percentage of the eligible costs, before any deducted tax or other charge.

Date of granting of the aid means the date when the legal right to receive the aid is conferred on the Beneficiary, being the date of the signing of the Grant Agreement (GA).

Start of works means the earlier of either the start of construction works relating to the investment, or the first legally binding commitment to order the equipment or any other commitment that makes the investment irreversible. Buying land and preparatory works such as obtaining permits and conducting feasibility studies are not considered start of works.

The **Start Date** is identified in the Grant Agreement signed between the Measures and Support Division and the Beneficiary. Start of works on actions in relation to the activities for which assistance is being requested may only be initiated after the date of the granting of the aid.

Project Completion is defined as the date by when the Beneficiary ensures that:

- The Investment has been procured, delivered and is fully operational; and
- All expenditure has been incurred, invoiced and fully paid; and
- All relevant licences are in place
- Claim for Reimbursement submitted

Any expenditure incurred, invoiced or paid after the project completion will be considered as ineligible.

The **Authorised Representative** is the person identified in the application form who is entrusted to legally represent the undertaking and is thereby authorised to enter into agreements and sign contracts for and on behalf of the undertaking. In the case of Sole Traders/Self Employed person, this should invariably be the beneficiary.

The **Project Manager** is identified in the application form and is the person responsible for the implementation of the project on a day-to-day basis.

Energy efficiency means the ratio of output of performance, service, goods or energy, to input of energy.

Energy Performance of a building is the calculated amount of energy needed to meet the energy demand associated with a typical use of the building, which includes inter alia, energy used for heating, cooling, ventilation, hot water and lighting.

Primary Energy Demand is a numeric indicator of primary energy use of a building; primary energy means energy from renewable and non-renewable sources which has not undergone any conversion or transformation process. This indicator is provided in an Energy Performance Certificate.

Retrofitting a building involves changing its systems or structure after its initial construction and occupation. For the purposes of this scheme, the work undertaken shall improve the energy performance of the building.

Undertaking means a Micro, Small, Medium or Large Enterprise.

A **Micro, Small or Medium Enterprise (SME)** as defined in Annex I of 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, as amended.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0651-20230701>

The main factors determining whether an enterprise is an SME are:

1. staff headcount and
2. either turnover or balance sheet total.

| Enterprise category | Staff headcount | Turnover | or | Balance sheet total |
|---------------------|-----------------|----------|----|---------------------|
| Medium-sized | < 250 | ≤ € 50 m | | ≤ € 43 m |
| Small | < 50 | ≤ € 10 m | | ≤ € 10 m |
| Micro | < 10 | ≤ € 2 m | | ≤ € 2 m |

For more details:

http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition/index_en.htm

Large Enterprise is an Undertaking not fulfilling the criteria laid down in Annex 1 of the General Block Exemption Regulation.

An enterprise is considered to be any entity engaged in an economic activity, irrespective of its legal form. This includes, in particular, self-employed persons and family businesses engaged in craft or other activities, and partnerships regularly engaged in an economic activity.

An Autonomous Enterprise is any enterprise which is not classified as a partner enterprise or as a linked enterprise as per provisions outlined in Annex I of 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, as amended.

Partner enterprises are all enterprises which are not classified as linked enterprises and between which there is the following relationship: an enterprise (upstream enterprise) holds, either solely or jointly with one or more linked enterprises 25% or more of the capital or voting rights of another enterprise (downstream enterprise).

However, an enterprise may be ranked as autonomous, and thus as not having any partner enterprises, even if this 25% threshold is reached or exceeded by the following investors, provided that those investors are not linked, within the meaning of 'linked enterprise', either individually or jointly to the enterprise in question:

- a) public investment corporations, venture capital companies, individuals or groups of individuals with a regular venture capital investment activity who invest equity capital in unquoted businesses (business angels), provided the total investment of those business angels in the same enterprise is less than EUR 1 250 000;
- b) universities or non-profit research centres;
- c) institutional investors, including regional development funds;
- d) autonomous local authorities with an annual budget of less than EUR 10 million and less than 5 000 inhabitants.

Linked enterprises are enterprises which have any of the following relationships with each other:

- a) an enterprise has a majority of the shareholders' or members' voting rights in another enterprise;
- b) an enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;
- c) an enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;
- d) an enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

Enterprises having any of the relationships described in a) to d) above through one or more other enterprises, or any one of the investors mentioned under Partner Enterprise, are also considered to be linked.

Enterprises which have one or other of such relationships through a natural person or group of natural persons acting jointly are also considered linked enterprises if they engage in their activity or in part of their activity in the same relevant market or in adjacent markets.

An '**adjacent market**' is considered to be the market for a product or service situated directly upstream or downstream of the relevant market.

The same or a similar activity means an activity in the same class (four-digit numerical code) of the NACE Rev 2 statistical classification of economic activities as laid down in Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as amended by Commission Delegated Regulation (EU) 2023/137 of 10 October 2022 amending Regulation (EC) No 1893/2006 of the European Parliament and of the Council establishing the statistical classification of economic activities NACE Revision 2, as well as certain EC Regulations on specific statistical domains³.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1893-20250101>

Undertaking in difficulty as defined in 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, as amended, 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 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:
 - i. the Undertaking's book debt to equity ratio has been greater than 7,5 and
 - ii. the Undertaking's EBITDA interest coverage ratio has been below 1,0.

Crafts means an art, skill, or trade, practised by a person or persons in the manufacture of artefacts and other products and generally requiring in its manufacturing a greater input of human skill than of machinery.

Marketing of agricultural products means holding or display with a view to sale, offering for sale, delivery or any other manner of placing on the market, except the first sale by a primary producer to resellers or processors and any activity preparing a product for such first sale; a sale by a primary producer to final consumers shall be considered to be marketing if it takes place in separate premises reserved for that purpose.

Primary agricultural production means production of products of the soil and of stock farming, listed in Annex I to the Treaty, without performing any further operation changing the nature of such products.

Processing of Agricultural products means any operation on an agricultural product resulting in a product which is also an agricultural product, except on-farm activities necessary for preparing an animal or plant product for the first sale.

Agricultural product means the products listed in Annex I to the Treaty, except fishery and aquaculture products listed in Annex I to Regulation (EU) No 1379/2013 of the European Parliament and of the Council.

Fishery and Aquaculture products are defined as per provisions of Regulation (EU) No 1379/2013 of the European Parliament and of the Council.

Union standard means:

- a) a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings; or
- b) the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU of the European Parliament and of the Council, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purposes of this Regulation; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.

Evidence of **Private Match Financing** for projects under this scheme is calculated at €450 per square metre of the useful floor area eligible for reimbursement.

EPB (Non-Dwellings) Assessors refers to EPB (Non-Dwellings) Assessors who are registered with the Building and Construction Authority (BCA) and may be contracted to provide a service to the Measures and Support Division in relation to this aid scheme.

1. Introduction

This document provides information on the *Retrofit* grant scheme and should be read in conjunction with the following document:

- User Guide to the Application Form

These Guidance Notes are binding and failure to comply with the provisions of these documents may result in financial corrections and recovery of funds.

These Guidance Notes may be reviewed, updated and amended from time to time by the Measures and Support Division throughout the lifetime of the scheme.

1.1 Management Structure

The Ministry responsible for the management of Union Funds is empowered to perform the tasks related to coordination, management and control of the Recovery and Resilience Plan for Malta. Within the same Ministry, the Planning and Priorities Coordination Division has been designated to ensure the leadership, coordination and overall oversight of this plan. The Measures and Support Division, also within the identified Ministry, is the institution in charge of implementation of investment reform C1-I1 'Grants targeting renovation of private sector buildings for retrofitting and energy efficiency'. This management structure is established by Council Implementing Decision on the approval of the assessment of the Recovery and Resilience Plan for Malta 11941/21 and supporting Annex ADD 1, by Regulation (EU) 2021/241 and of the European Union Recovery Instrument set up by Council Regulation (EU) 2020/2094.

1.2 Scope

The objective of the scheme is to improve energy efficiency, reduce energy demand, lower carbon emissions and limit energy waste through the retrofitting of private sector buildings. The building renovations undertaken are to lead to a reduction of Primary Energy Demand (PED) of at least 30%.

Renovation, retrofitting, and refurbishment of existing buildings represent an opportunity to upgrade the energy performance of commercial building assets for their ongoing life.

Aid shall not be granted for investments undertaken to comply with Union standards that have been adopted and are in force.

This incentive seeks to assist enterprises and voluntary organisations through non-repayable Grants to part-finance investments to retrofit their premises, and hence improve their energy and resource efficiency by reducing the energy used for heating, cooling, ventilation, hot water and lighting. This includes actions involving systems for the above energy use as well as interventions on the building envelope that reduce the energy demand required by the above.

This investment will also address the market failure in the private sector in the field of energy and environmental performance in buildings. It aims to improve the energy and environmental performance of buildings by targeting negative externalities, thus

contributing towards energy savings, reduction of greenhouse gas and air pollutant emissions.

The measure complies with the ‘Do no significant harm’ Technical Guidance (2021/C58/01), and shall exclude the following list of activities: (i) activities related to fossil fuels, including downstream use⁴; (ii) activities under the EU Emission Trading System (ETS) achieving projected greenhouse gas emissions that are not lower than the relevant benchmarks⁵; (iii) activities related to waste landfills, incinerators⁶ and mechanical biological treatment plants⁷; and (iv) activities where the long-term disposal of waste may cause harm to the environment.

1.3 Component

This Measure falls under Component 1 ‘Addressing climate neutrality through enhanced energy efficiency, clean energy and a Circular Economy’ of ‘Malta’s Recovery & Resilience Plan’, and addresses the following Investment:

Investment in the renovation and greening of private sector buildings, including deep retrofitting through energy and resource efficiency measures.

1.4 Duration of the Scheme

The *Retrofit* will remain operational until 30 June 2026⁸, subject to availability of funds.

1.5 Budget

The allocated budget for this scheme is set at €20,000,000, projected to cover 40,605m² of private sector buildings (including commercial buildings).

1.6 Open (rolling) Call

The scheme shall be managed on a demand driven basis. The Measures and Support Division shall issue a public open call (rolling-call) with periodical cut-off dates for interested eligible Undertakings to submit their applications. Following each cut-off date applications will be assessed and evaluated and eligible applications scoring at least 50% of the selection criteria shall be awarded subject to budget availability.

⁴ Except projects under this measure in power and/or heat generation, as well as related transmission and distribution infrastructure, using natural gas, that are compliant with the conditions set out in Annex III of the ‘Do no significant harm’ Technical Guidance (2021/C58/01).

⁵ Where the activity supported achieves projected greenhouse gas emissions that are not significantly lower than the relevant benchmarks, an explanation of the reasons why this is not possible should be provided. Benchmarks established for free allocation for activities falling within the scope of the Emissions Trading System, as set out in the Commission Implementing Regulation (EU) 2021/447.

⁶ This exclusion does not apply to actions under this measure in plants exclusively dedicated to treating non-recyclable hazardous waste, and to existing plants, where the actions under this measure are for the purpose of increasing energy efficiency, capturing exhaust gases for storage or use or recovering materials from incineration ashes, provided such actions under this measure do not result in an increase of the plants’ waste processing capacity or in an extension of the lifetime of the plants; for which evidence is provided at plant level.

⁷ This exclusion does not apply to actions under this measure in existing mechanical biological treatment plants, where the actions under this measure are for the purpose of increasing energy efficiency or retrofitting to recycling operations of separated waste to compost bio-waste and anaerobic digestion of bio-waste, provided such actions under this measure do not result in an increase of the plants’ waste processing capacity or in an extension of the lifetime of the plants; for which evidence is provided at plant level.

⁸ Duration may be extended subject to compliance with national targets and with the applicable State aid rules.

1.7 Maximum Grant Value and Aid

The maximum Grant amount that an Undertaking may receive is €5M.

The amount of aid, established in line with the applicable State aid intensities, shall be paid through a Standard Scale of Unit Cost per square metre and depends on the size, locality and reduction in percentage PED as follows:

| Size of undertaking | Investments in Gozo | | Investments in Malta | |
|--|--|------|----------------------|------|
| | If investment leads to a PED reduction of at least | | | |
| | 30% | 40%* | 30% | 40%* |
| Standard Scale of Unit Cost per Square Metre | | | | |
| Micro and small | €340 | €440 | €300 | €400 |
| Medium | €255 | €355 | €215 | €315 |
| Large | €170 | €270 | €130 | €230 |

*in these cases the investment is to improve the energy performance of the building beyond the level imposed by minimum energy performance standards qualifying as Union standards entering into force within less than 18 months from the moment the investment is implemented and finalised.

A maximum of €5M per Undertaking shall be eligible for funding under this scheme. Distinct buildings cannot be grouped in one (1) application.

1.8 Implementation

Investments under this scheme are to be concluded by 31 March 2026⁹.

1.9 Regulatory Framework

Malta's Recovery and Resilience Plan

<https://eufunds.gov.mt/en/Operational%20Programmes/Pages/Recovery-and-Resilience-Facility.aspx>

The Recovery and Resilience Facility as established by Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0241&from=EN>

Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Malta 11941/21 of 28 September 2021

<https://data.consilium.europa.eu/doc/document/ST-11941-2021-INIT/en/pdf>

Technical guidance on the application of “do no significant harm” under the Recovery and Resilience Facility Regulation

⁹ This date may be extended subject to compliance with national targets.

https://ec.europa.eu/info/sites/default/files/c2021_1054_en.pdf

Aid under this scheme will be awarded in accordance with the relevant terms and conditions of Commission Regulation (EU) No 651/2014 of 17th June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, as amended, [General Block Exemption Regulation (“GBER”)].

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0651-20230701>

2. Eligibility

2.1 Eligible Undertakings

Micro, Small, Medium and Large Enterprises, irrespective of their legal form¹⁰, referred to as the 'Undertaking' subject to the exclusions enlisted below.

Undertakings which are not vested with a legal personality acquired through the law applicable to their establishment, need to be registered under the Second Schedule of the Civil Code (CAP 16 of the Laws of Malta).

2.2 Eligible Actions

This Grant Scheme seeks to support investments to address high upfront costs of building renovation in the private sector, including commercial buildings.

Actions that reduce the primary energy demand of the building by reducing the energy used for heating, cooling, ventilation, hot water and lighting are eligible. This includes actions involving systems for the above energy use as well as interventions on the building envelope that reduce the energy demand required by the above.

This will contribute to the green transition by retrofitting at least 40,605 m². The improvement of energy performance will be certified on the basis of an Energy Performance Reading before and after renovation.

The building renovations undertaken are to lead to a reduction of Primary Energy Demand (PED) of at least 30%.

2.3 Eligible Expenditure

This Grant Scheme will support eligible enterprises to undertake actions that reduce the primary energy demand of the building by reducing the energy used for *heating, cooling, ventilation, hot water and lighting*.

These actions shall lead to a reduction in primary energy demand of at least 30% compared to the situation prior to the investment. If such a reduction is achieved, the project shall be reimbursed through a Standard Scale of Unit Cost per square metre¹¹ as identified in [Section 1.7](#).

The initial primary energy demand and the estimated improvement shall be established by means of an Energy Performance Certificate (asset rating).

The measure requires the economic operator/s carrying out the construction works to ensure that at least 70% (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material referred to in category 17 05 04 in the European List of Waste established by Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (notified under document

¹⁰ Including Voluntary Organisations registered and compliant with the Office of the Commissioner for Voluntary Organisations and the Malta Business Registry (MBR)

¹¹ The useful floor area eligible for reimbursement shall be identified in the Energy Performance Reading

number C(2000) 1147)) generated on the construction site shall be prepared for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy, Article 11.2 (b) of Directive 2008/98/EC on waste and the EU Construction and Demolition Waste Management Protocol.

Any investment must remain in place for at least 3 years in the case of an SME¹², or, five years in case of a large¹³ enterprise, following the completion of the investment operations. Any changes, including but not limited to change in ownership of the premises, shall be communicated to the Measures and Support Division prior to the change coming into effect.

Expenditure shall only be considered eligible if it is approved in the Grant Agreement, incurred during the specified project period and the Beneficiary achieves the set indicators as outlined in the Grant Agreement and in line with these Guidance Notes.

2.4 Ineligible Expenditure

- a) Costs not directly linked to the achievement of a higher level of energy efficiency
- b) Costs related to the repair and maintenance of equipment, plant, machinery and buildings, including costs for maintenance agreements including bundles for technical issues.
- c) Tax including Value Added Tax and other duties.
- d) Insurance costs.
- e) Training costs.
- f) Contingencies and/or losses made by the Applicant.
- g) Payment of dividends, royalty and interest changes.
- h) In kind contributions.
- i) Service charges arising on finance leases, hire purchase and credit arrangements.
- j) Cost resulting from deferral of payments to creditors.
- k) Cost related to litigation including resulting claims for damages and fines.
- l) Statutory fines and penalties.
- m) Payments for gifts and donations.
- n) Entertainment (including catering, receptions, etc.)
- o) Depreciation.
- p) Foreign exchange costs and related losses.
- q) Bank charges.
- r) Commissions.
- s) Projects that already exist within the framework of other funding programs of the European Union.

2.5 Exclusions

- i. Aid for cogeneration and aid for district heating or cooling is not eligible.
- ii. Energy Generation from Renewable Energy Sources activities are not eligible.

¹² Applies also to Micro, Small and Medium Sized Voluntary Organisations

¹³ Applies also to Large Voluntary Organisations

- iii. Actions on new buildings and/or on extensions of existing buildings.
- iv. Actions implemented in buildings which are dedicated to storage of fossil fuels.
- v. Building components and materials used in the building renovation that contain asbestos or substances of very high concern as identified on the basis of the list of substances subject to authorisation set out in Annex XIV to Regulation (EC) No 1907/2006 are excluded.
- vi. Building components and materials used in the building renovation that may come into contact with occupiers are to emit less than 0,06 mg of formaldehyde per m³ of material or component and less than 0,001 mg of categories 1A and 1B carcinogenic volatile organic compounds per m³ of material or component, upon testing in accordance with CEN/TS 16516 and ISO 16000-3 or other comparable standardised test conditions and determination method otherwise these are excluded.
- vii. Buildings located in or near biodiversity – sensitive areas (including the Natura 2000 network of protected areas, as well as other protected areas) are excluded.
- viii. Undertakings that are subject to an outstanding recovery order following a previous Commission decision declaring an aid granted by Malta illegal and incompatible with the internal market.
- ix. Undertakings in difficulty as per provisions of 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 (General Block Exemption Regulation), as amended. However, aid may be granted to undertakings which were not in difficulty on 31 December 2019 but became undertakings in difficulty in the period from 1 January 2020 to 31 December 2021.
- x. Undertakings that have not honoured their obligations further to a recovery order issued by MSD.
- xi. Exclusions as per provisions of 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 (General Block Exemption Regulation), as amended.
- xii. Undertakings whose principal activities fall under Section A ‘Agriculture, Forestry and Fishing of the NACE Rev. 2.
- xiii. Undertakings active in the sector of processing and marketing of agricultural products, in the following cases:
 - where the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned;
 - where the aid is conditional on being partly or entirely passed on to primary producers.
- xiv. Undertakings whose principal activities include the manufacturing, processing and marketing of tobacco and tobacco products.
- xv. Public entities: Ministries, Departments, Entities, Authorities, Public Commissions, Public Sector Foundations and similar organisations carrying out

a public or regulatory function which does not involve the carrying out of an economic activity, whether or not such organisations are established by law. With the exception of commercial Undertakings carrying out exclusively economic activity in direct competition with third parties and in which Government has a controlling interest.

- xvi. Energy Generation, distribution and infrastructure.
- xvii. Gambling and Betting Activities.
- xviii. Investment to achieve the reduction of greenhouse gas emissions from activities listed in Annex I to Directive 2003/87/EC.
- xix. Actions resulting in training and mentoring activities.
- xx. Actions resulting in investment in the decommissioning or the construction of nuclear power stations.
- xxi. Actions resulting in investment in airport infrastructure unless related to environmental protection or accompanied by investment necessary to mitigate or reduce its negative environmental impact.
- xxii. Undertakings engaged in an illegal economic activity.

2.6 Additional Provisions

- i. The Grant amount is subject to the conditions outlined in these Guidance Notes and the determined thresholds.
- ii. The applicant enterprise is in compliance with applicable EU and national legislation and administrative requirements, including fulfilment of fiscal obligations and social security contributions.
- iii. Start of works on actions in relation to the activities for which assistance is being requested may only be initiated after the date of the granting of the aid.
- iv. Applicants must submit evidence as to the capability for private match financing the project.
- v. The beneficiary will provide a financial contribution of at least 25% of the eligible costs, either through its own resources or by external financing in a form which is free from any public support.
- vi. Applicants must submit applications for investments located exclusively in either Malta or Gozo.
- vii. The investment must be maintained in the recipient areas by the Undertaking and remain operational for a period of three years in the case of an SME, or, five years in case of a large enterprise, following the final payment to the beneficiary of the project. This shall not prevent the replacement of equipment that has become outdated or broken within this period, provided that the economic activity is retained in the area concerned for the relevant minimum period. Any changes shall be communicated to MSD prior to the change coming into effect. For further details please refer to [Section 9 – Durability](#).
- viii. Approved projects shall be based and operational in Malta.
- ix. The Undertaking has not been approved or granted any public funding, and will not seek public funding through other National and/or European Union funded initiatives in relation to the activities for which assistance is being requested through this measure.

This includes schemes under NextGeneration EU, Cohesion Policy and any other European Union instruments or through any other form of Public Funding including schemes administered through National Funds.

- x. The Undertaking shall ensure that greening and climate mitigation measures should be mainstreamed within the proposed investment and reuse and recycling should be pursued as much as possible when disposing of redundant/replaced equipment.
- xi. Appropriate measures are to be taken to reduce noise, dust and pollutant emissions during renovation works.
- xii. The Undertaking shall ensure full compliance with the requirements regarding building regulations as identified by the Building and Construction Authority (BCA), planning regulations as identified by the Planning Authority (PA) and health and safety regulations as identified by the Occupational Health and Safety Authority (OHSA) and any other pertinent regulations by other national or European authority/ies.
- xiii. In those cases where the Applicant enterprise is a Voluntary Organisation it has to be registered with the Office of the Commissioner for Voluntary Organisations and is to be compliant with its obligations, including amongst others, the submission of annual accounts. The Measures and Support Division reserves the right to undertake verifications and liaise with the Office of the Commissioner for Voluntary Organisations at any stage from application up to the end of the durability period.
- xiv. The Measures and Support Division reserves the right to refuse or withdraw an application by a potential applicant or beneficiary on the basis of actual, potential or perceived reputational harm and/or unwanted or unfavourable publicity to the Measures and Support Division, the Government of Malta and EU funds.

3. Applications

3.1 Application Process

The Measures and Support Division shall publicise the calls on fondi.eu website and will collaborate with stakeholders particularly representatives of the target group and other Government Entities to publicise the Grant Scheme to ensure the widest visibility possible.

3.2 Submission of Applications

Undertakings must submit an online application as outlined in the call for applications.

The application shall include the Undertaking's name and size, a description of the investment, including its start and end dates, the location of the investment, a list of investment costs and the amount of public funding needed for the investment, amongst other requirements.

It is strongly advisable that prior to embarking on the development and submission of the application prospective applicants read these 'Guidance Notes' together with the 'User Guide to the Application Form' document.

3.3 Documents to be submitted with the Application

1. **Declaration** – a scanned copy of the signed Declaration Form¹⁴.
2. **Statement** by a warranted Architect or Engineer -
 - Identifying the useful floor area eligible for reimbursement (in square metres) accompanied by a site plan of such floor area.
 - Photographic evidence of the building (from the façade)
 - Describing the property including number of floors
 - Listing the interventions being proposed and specifying the projected reduction in Primary Energy Demand achievable through the proposed interventions.
 - In those cases where no planning and other permits are required, the statement shall confirm such.
 - In those cases where the investment leads to a PED reduction of at least 40%, the statement shall confirm that the investment is to improve the energy performance of the building beyond the level imposed by minimum energy performance standards qualifying as Union standards entering into force within less than 18 months from the moment the investment is implemented and finalised.
3. **Compliance Certificate/s issued by the Malta Tax and Customs Administration (MTCA)** – a certificate/s issued not earlier than three months from the date of the application which contains no pending liabilities or returns; or is covered by an

¹⁴ In the case that the Authorized Representative is not a Director, a Declaration of Authorization shall be submitted in addition to the Declaration form. This does not apply for Self-Employed/Sole Traders, given that the individual signing the Declaration form is the Authorized Representative. A copy of the Declaration Form can be found in the User Guide to the Application Form.

agreement which is being honoured, by the Malta Tax and Customs Administration (MTCA) covering Income Tax, VAT and Final Settlement and of Social Security Contributions Compliance Certificates.

4. Audited Financial Statements and/or the Management Accounts dated for two financial years prior to the year of submission of the application in relation to the applicant and the linked and partner enterprises¹⁵. The most recent year for the applicant must have been closed within the last 18 months. A single financial document containing comparative data of the annual accounts of both years under assessment will be accepted. No documents would need to be submitted if a copy of these documents as outlined hereunder is already deposited with the Malta Business Registry (MBR) or the Co-Operatives Board.

- In the case of applicant, linked and partner enterprises without a legal obligation to prepare financial statements the Management Accounts (Profit & Loss Statements/Income Statement and Balance Sheet/Statement of Assets and Liabilities) certified by a CPA is to be provided.
- In the case of a Sole Trader/self-employed a copy of the Income Tax Return dated within the two financial years prior to the year of submission of the application together with a Profit & Loss Statement certified by a Certified Public Accountant (CPA) together with a declaration by the Certified Public Accountant (CPA) identifying the Current and Fixed Assets as well as the Short-Term and Long-Term Liabilities of the applicant is to be provided.
- In the case of a Voluntary Organisation, Applicants, linked and partner enterprises are to provide the financial statements as required by LN 317 of 2020 cap 492.2.
- In the case of a Start-up established not over 2 years from the date of application (*including Sole Trader/self-employed*) not having the above documentation, a Profit & Loss Account/Income Statement, Cash Flow Projections (*for a minimum of two years*) and a Balance Sheet/Statement of Assets and Liabilities certified by a CPA is to be provided.

5. Copies of any necessary Permits such as Planning Permits¹⁶ issued in relation to activities for which support is being requested.

¹⁵ In line with MBR obligations of registered companies found [here](#). An income statement for Applicant is nonetheless always required.

¹⁶ In those instances where the necessary Planning Permits have not yet been issued at the time of submitting the application, an application for support under the scheme may still be submitted. In such cases, if an application makes it through the Selection Process, the granting of aid shall be conditional that within six months from the issuance of the Acceptance Letter, the relevant executable Planning Permits have been issued and a copy thereof is submitted to the IB, prior to the signing of the Grant Agreement. Extensions beyond this timeframe may be considered upon the express request of the Beneficiary, when justified.

6. Evidence of **Private Match Financing** for the project equivalent to €450 per square metre of the useful floor area eligible for reimbursement.

7. **Supporting Documentation including** NACE code confirmation¹⁷ and GANTT Chart or Schedule of Works. Any other supporting documentation (*such as preparatory work and correspondence*) that the Applicant deems that would add value to the application.

The Measures and Support Division may request any additional documentation for verification purposes.

In those cases where not all the documentation is submitted with the application, applicants shall be given the opportunity to rectify the application by submitting the required documentation. The maximum period allowed for rectifications shall not exceed 2 months from the date of the rectifications letter. Applicants are to submit their missing documentation to rectify their application by said deadline. Following the submission of the rectifications, the application will be evaluated with the next available PSC meeting following the evaluation of all applications submitted in the original cut-off. If applicants fail to rectify an application by the indicated deadline in the rectifications letter, then the application shall be considered as incomplete and be rejected.

3.4 Acknowledgement

Once an application is submitted and confirmed, the system generates a unique reference number for the project and an acknowledgement e-mail together with the application reference number will be sent to the Applicant.

Applications will be assessed and selected as outlined in [Section 5 'Assessment and Selection'](#). The issuance of the acknowledgement letter does not confer any obligation on the Measures and Support Division to issue the Grant towards the financing of the project. Actions may only be initiated further to the signing of the Grant Agreement.

¹⁷ The NACE confirmation shall be in the form of VAT Information Sheet or else communication with the NSO Business Register including the four-digit code in the form of 11.11.

4. Compliance with Community Policy

4.1 Payments of costs under the approved Investment

Undertakings should note that Grants awarded for actions under the Retrofit are public funds. Beneficiary Undertakings should ensure that procurement of all cost items to be co-funded through the Grant Scheme is carried out in line with the principles of sound financial management.

4.2 State Aid requirements

The terms and conditions of this Grant Scheme are set out in line with Commission Regulation (EU) 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application to Article 107 and 108 of the Treaty, as amended by Commission Regulation (EU) 2017/1084 of 14 June 2017 amending Regulation (EU) No 651/2014 as regards aid for port and airport infrastructure, notification thresholds for aid for culture and heritage conservation and for aid for sport and multifunctional recreational infrastructures, and regional operating aid schemes for outermost regions and amending Regulation (EU) No 702/2014 as regards the calculation of eligible costs, by Commission Regulation (EU) 2020/972 of 2 July 2020 amending Regulation (EU) No 1407/2013 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments, by Commission Regulation (EU) 2021/1237 of 23 July 2021 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, and by Commission Regulation (EU) 2023/1315 of 23 June 2023 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty and Regulation (EU) 2022/2473 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty, and as may be subsequently amended. If an Undertaking receiving aid is found to be in breach of the relevant provisions of this Regulation, action shall be taken to claw back funds (recovery of funds) from the Undertaking in line with the provisions of the pertinent State Aid rules.

The Undertaking shall ensure compliance with the rules on cumulation of aid in line with Article 8 of Commission Regulation (EU) No 651/2014 of 17 June 2014, as amended.

It is the responsibility of the Applicant Undertakings to seek advice and to ensure compliance with State Aid rules and requirements.

4.3 Do No Significant Harm Principle

Beneficiary Undertakings are required to ensure that planned investments fulfil and respect the conditions of the 'do no significant harm' (DNSH) principle within the meaning of Article 17 of Regulation (EU) 2020/852.

Assessment of compliance with the DNSH principle for project applications under this scheme is necessary. The assessment follows the methodology set out in the Commission's technical guidance on the application of 'do no significant harm' under the RRF Regulation (2021/C 58/01). It covers the six environmental objectives set out in Article 9 of Regulation (EU) No 2020/852 including: climate change mitigation; climate change adaptation;

sustainable use and protection of water and marine resources; circular economy; pollution prevention and control; and protection and restoration of biodiversity and ecosystems.

In this regard, and for the scope undertaken under this scheme, four of the six environmental objectives, being climate change mitigation; climate change adaptation; the transition to a circular economy including waste prevention and recycling; pollution prevention and control have been identified that require a substantive assessment.

The scheme requires the economic operators carrying out the construction works to ensure that at least 70% (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material referred to in category 17 05 04 in the European List of Waste established by Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (notified under document number C(2000) 1147)) generated on the construction site shall be prepared for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy, Article 11.2 (b) of Directive 2008/98/EC on waste and the EU Construction and Demolition Waste Management Protocol.

Undertakings are to see that project activities shall have no or an insignificant foreseeable impact on the environment. It is to be noted that both the environmental impact of the activity itself and the environmental impact of the products and services provided by that activity throughout their life cycle shall be taken into account, in particular by considering the production, use and end of life of those products and services.

5. Assessment and Selection

The Assessment and Selection of projects shall be undertaken by a Project Selection Committee.

Applications will be assessed against the Gateway (*eligibility*) Criteria and will proceed to be assessed against the Selection Criteria only if the application meets all the requirements of the Gateway (*eligibility*) Criteria.

Applications attaining at least 50% of the total score shall be approved for funding subject to the budget availability.

5.1 Gateway Criteria

The Gateway Criteria are the minimum requirements which must be met in order that any application may be considered for assessment and appraisal for selection for funding support. This stage will involve an assessment and a Due Diligence process to establish that these minimum requirements are met, namely:

1. **Complete application form:** an Undertaking must present a fully compiled application form together with all the requested supporting documentation, by the indicated deadline.
2. **Eligible Undertaking:** the Undertaking is an eligible Undertaking in line with these Guidance Notes.
3. **Eligible action:** the action for which the Applicant is asking for support is eligible and at least includes an eligible activity.
4. **Match Financing:** the Applicant has submitted evidence as to its capacity to match finance the project from private sources.

Once the four requirements are met, the Measures and Support Division shall engage an independent, vis-à-vis the applicant Undertaking, EPB (Non-Dwellings) Assessor to provide a report including:

- Confirmation of the size of the useful floor area of the building
- An energy performance reading of the building included in the application and net of renewables.
- An expert opinion on the interventions proposed by the applicant; and
- The probability of the proposed percentage reduction in Primary Energy Demand (PED) being achieved.

5.2 Financial Viability Check

Applications with a Grant Request of more than €60,000¹⁸ shall be subject to a Financial Viability Check¹⁹.

We will assess your financial capacity by checking that your organisation:

- has sufficient liquidity (it is capable to cover the short-term commitments)
- is financially autonomous (it is capable to cover the debt costs)
- is solvent (it is capable to cover its medium and long-term commitments)
- is profitable (it is generating profits or at least has self-financing capacity).

For natural persons, the financial viability is based on two criteria, liquidity and solvency.

The financial viability of applicant will always be rated low if:

1. The financial statements contain serious qualifications.
2. The applicant is a newly established entity that has not yet closed any accounts.
3. There were substantial financial findings relating to the financial capacity in an audit of the Audit Authority, Commission, the Court of Auditors or an OLAF investigation within the last two years.
4. The applicant has been involved in serious administrative errors or fraud.
5. The applicant is subject to pending legal procedures or judicial proceedings for serious administrative errors or fraud.
6. The applicant is subject to an attachment order.

Should the financial viability check result in a low rating, the IB may require additional information, apply certain conditions or reject the Grant application.

Notwithstanding the above, the IB understands that even though a newly established entity that has not yet closed any accounts is by default considered as *low rating*, it understands the special nature of the enterprise and thus may decide not to impose any conditions.

Moreover, the IB reserve the right to impose any of the conditions even if the financial viability check results in *high rating*.

The Financial Viability Assessment shall remain valid for 18 months and can be used for any application within said period.

5.3 Selection Criteria

Only applications that meet all the requirements of the Gateway (*eligibility*) Criteria shall proceed for assessment under the Selection Criteria. The Project Selection Committee may at this stage request clarifications from the Applicant. As part of the assessment and appraisal process a score is awarded for each Selection Criteria. Applications scoring at

¹⁸ The IB reserves the right to perform the Financial Viability Check even when the Grant requested is less than €60,000.

¹⁹ Applicants can use a simulator of the Financial Viability Check which can be accessed from: <https://ec.europa.eu/research/participants/lfv/lfvSimulation.do>

least 50% of the Selection criteria shall be awarded subject to budget availability. Budget will be allocated in order by receipt of a complete application (i.e. at the date of any rectifications being submitted) and the actual date of submission will be taken into account.

The total maximum score under the Selection Criteria is 100. Applications will be assessed and evaluated against the Selection Criteria outlined hereunder.

- Risk Assessment
- Excellence
- Impact and Sustainability
- Quality of the project and efficiency of implementation

| Criteria | Definition | Score |
|-----------------|--|-------|
| Risk Assessment | <p>Qualitative assessment of Applicant – 5</p> <p>Applications will be risk assessed in relation to the age of the Applicant, business experience, track record of the management and controlling shareholders.</p> | 10 |
| | <p>Duration of the Project – 5</p> <p>Applications will be risk assessed in relation to the proposed duration of the project vis-à-vis the implementation timelines in the respective guidance notes. Such assessment shall take into account potential implementation delays which may stretch the proposed project duration and have a negative impact on the absorption of funds.</p> | |
| | <p>Implementation Risks linked to the duration of the project – max 0 (- 5 lowest)</p> <p>This section will carry negative marking to reflect project implementation risks linked to the duration of the proposed activities. The duration of the project will be assessed in terms of how realistic it is to complete the project within the indicated timeframe. The more complex the activities the more likely it is that the project will experience delays and therefore the lower the score.</p> | |
| Excellence | <p>Quality of the proposed project concept through its main characteristics – 10</p> <p>The Application Form should be of good quality and provide clear information that can be readily understood by anyone, even those not familiar with the project. The proposed project concept should not be run-of-the-mill.</p> | 35 |

| | | |
|--|--|--|
| | <p>The evaluation will be assessing the overall quality of the proposed project, the project background, context and need for the project, the project's objectives, expected results and resources required.</p> <p>The Application is to clearly evidence that the enterprise has recognised the need to retrofit.</p> | |
| | <p>Coherence and Clarity of the Application – 5</p> <p>The evaluation will be assessing the project’s work plan, strategy and quality of the Application. Coherent proposals supported by quantitative data and market research will be rewarded.</p> | |
| | <p>Action is ambitious and is addressing deep retrofitting through energy efficiency measures - 10</p> <p>The evaluation will focus on the novelty of the concepts and new approaches introduced by the project to change its systems or structure after the initial construction and occupation. Work should include improvement of amenities for the building’s occupants and leading to an improvement in the energy performance of the building. The investment aims to achieve the highest levels of energy efficiency. The evaluation will also focus on how ambitious the proposed activities are in relation to tangible objectives.</p> <p>Enterprises are to favour practices which are resource efficient. Significant improvements in resource and energy use during the life-cycle – with improved sustainable materials, higher waste recycling, and improved design – will contribute to the development of a resource efficient building stock.</p> | |

| | | |
|----------------------------------|--|-----------|
| | <p>Impact in relation to the applicant’s future achievement of the reduction in Primary Energy Demand – 10</p> <p>The action will be assessed on the achievement of the reduction in Primary Energy Demand. At Application Stage the applicant needs to submit a statement from a registered Architect/Engineer specifying the actions required and the reduction in Primary Energy Demand achievable through the proposed actions. A minimum reduction in Primary Energy Demand (PED) of at least 30% is required. A higher percentage of reduction in Primary Energy Demand will attain higher marks during evaluation.</p> <p>The actions proposed in the project should outline the steps taken to achieve this target.</p> | |
| <p>Impact and Sustainability</p> | <p>Potential increase in turnover and cost reductions to the operations of the Applicant – 5</p> <p>An evaluation of the project’s impact vis a vis the future growth of the applicant and potential to increase its turnover. The application will also be evaluated on the potential cost reductions to the operations of the Applicant through reduction in the cost to sales ratio.</p> | <p>20</p> |
| | <p>Impact on improvements in the Undertaking’s business model vis-à-vis Corporate Environmental Responsibility - 5</p> <p>The application will be evaluated in relation to the project’s impact on the sustainability of the business model. Applicants are to identify any improvements in their business model vis-à-vis the implementation or improvement in their Corporate Environmental Responsibility.</p> | |
| | <p>Effective integration of the Do No Significant Harm Principle – 10</p> <p>The application will be assessed in relation to the effective integration of the Do No Significant Harm principle. Project applications are to include an assessment on how the project intends to mitigate: 1) <i>Climate change mitigation</i>; 2) <i>climate change adaptation</i>; 3) <i>the transition to a circular economy including waste prevention and recycling</i>; 4) <i>pollution prevention and control to air, water or land</i>.</p> | |

| | | |
|---|--|-----------|
| <p>Quality and efficiency of implementation</p> | <p>Floor area to be retrofitted – 5</p> <p>The greater the floor area to be retrofitted, the more it will contribute to the green transition. Thus additional marks will be awarded according to the size of the floor.</p> | <p>35</p> |
| | <p>Level of Readiness of the Project – 10</p> <p>Applications showing that their proposal is in an advanced state of readiness, such as having draft quotation document/s ready or in possession of required licences/permits, shall be rewarded. Evidence of such documents is to be provided with the application.</p> | |
| | <p>Timeliness of the events of the proposed project – 10</p> <p>Marks will be awarded for projects that present a GANTT chart or Implementation Schedule to indicate the timeliness of events of the proposed project.</p> <p>Assessing the risks that might impact the implementation of the project and the probability of these risks happening. The Application Form has to include details with the necessary measures to minimise the risks. The applicant is to demonstrate the capacity to deliver the project and put in place a contingency plan to compensate for adverse effects on timetable, expenditure and outputs.</p> | |
| | <p>Operational Capacity and allocation of human resources towards the implementation of the project including the current organisation’s structure – 5</p> <p>The capacity to implement the project is part of the commitment of the Applicant. The evaluation will be assessing the allocation of human resources, both internal and external, towards the project to ensure its successful implementation and sustainability. Experience in the implementation of projects co-financed through Structural Funds, other EU programmes or own funds shall be rewarded. The Application must not only include the segregation of the level of management and control but shall also include an explanation of the expertise of the personnel in each role. This shall be complemented by any organigram or description provided.</p> <p>The application shall include the names and ID numbers of the human resources working on the project.</p> <p>Should applicants fail to provide sufficient information the IB may apply certain conditions to the Grant.</p> | |

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| | <p>Operational Capacity and Operating Costs related to the sustainability of the investment post-project including the post-project organisation’s structure – 5</p> <p>The evaluation will be assessing the applicant’s Operational Capacity to the sustainability of the investment post-project through any Management and Control Systems in place as well as the operating costs related to the investment post-project.</p> <p>The Application is to demonstrate quality standards adopted by the undertaking and include internal procedures, processes and resources in place. The application should demonstrate quality planning, quality control, quality assurance and quality improvement in relation to the proposed project.</p> <p>The Application must not only include the segregation of the level of management and control but shall also include an explanation of the expertise of the personnel in each role. This shall be complemented by an updated post-project organigram or description provided. Moreover, the application must also include the operating costs of the investment for the duration of the durability.</p> <p>Should applicants fail to provide sufficient information the IB may apply certain conditions to the Grant.</p> | |
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5.4 Unsuccessful Applications

Unsuccessful applicants will be informed in writing by the Measures and Support Division.

5.5 Appeals

An independent Appeals Board shall be appointed.

Applicants whose application was not selected may submit motivated representations within 10 working days from the date of notification by the Measures and Support Division.

The Appeals Board shall assess the submitted representations, review the respective applications and notify the Applicant of its decision. The decision of the Appeals Board shall be final.

5.6 Acceptance Letter

The Measures and Support Division shall issue a funding acceptance letter to selected applicants, which shall include the amount of funding to be awarded. The funding acceptance letter shall include any conditions as outlined by the Project Selection Committee. It should be noted that a positive decision at this stage is not a guarantee of funding. All the conditions set out in the funding acceptance letter would need to be discharged before the Grant Agreement can be signed.

5.7 Grant Agreement

The Measures and Support Division shall liaise with the Applicant with a view to concluding the Grant Agreement which shall include any conditions as outlined by the IB. The Grant Agreement (GA) is the formal agreement between the Measures and Support Division and the Applicant. The GA is the legally binding document and sets out the terms of the grant. The Measures and Support Division will work through the terms and any conditions which must be discharged prior to entering the GA with the Applicant. When the Measures and Support Division is satisfied that any conditions have been discharged, it will issue the GA and submit two copies to the Applicant who will sign both copies with the Measures and Support Division keeping one copy and the other kept by the Beneficiary.

6. Implementation, Monitoring and Reporting

6.1 Implementation

6.1.1 Filing System

The beneficiary is to keep and maintain a separate filing system for the approved investment and may opt to keep an electronic system. Nonetheless, the filing system, regardless of whether it is electronic or hard copies, shall be made available and be easily referenced when monitoring and audit visits are conducted by the respective authorised entities. The beneficiary is obliged to keep all the documentation related to the operation for audit purposes for 3 years following the final payment to the beneficiary of the project for SMEs²⁰ and for 5 years following the final payment to the beneficiary of the project for Large Enterprises²¹. The sample proposed filing system folder can be downloaded from [here](#).

6.1.2 Project Manager

The Project Manager is identified in the application form and is the person responsible for the implementation of the project on a day-to-day basis. The Project Manager is the beneficiary's point of contact with the Measures and Support Division and should be available and reachable within reasonable timeframes to discuss the project on a periodical basis as required.

The beneficiary shall ensure that a Project Manager is assigned throughout the full implementation of the project and should there be a change in the Project Manager a *[Change in Project Manager form](#)*, downloaded from [here](#), shall be submitted via email on msd.eufunds@gov.mt.

6.1.3 Changes and amendments to the approved project

Issues may arise during the implementation of an approved project that necessitate a deviation from the original application as reflected in the Grant Agreement. In such cases, the beneficiary is to notify the Measures and Support Division immediately and submit a written request including a justification for the change.

Beneficiaries may request any extension for a minimum block of 6 months, marks permitting. In this case a deduction of 1% on the original Grant Amount awarded per each block of 6 months shall be applied. Each operation is allowed an extension equivalent to one block of 6 months for which no deduction shall apply.

Any requests for extensions shall be submitted via email prior to the end date. If the request an extension is requested after the end date has elapsed, an additional penalty of 5% on the original Grant amount shall apply. This 5% shall be applied over and above any deductions per each block of 6 months and regardless of whether it is the first request or not.

In each case, should a Beneficiary request a change which reduces the Grant amount, any deductions will be done on the original Grant Amount and deducted following the reduction of the Grant.

²⁰ Applies also to Micro, Small and Medium Sized Voluntary Organisations

²¹ Applies also to Large Voluntary Organisations

6.1.4 Retention of Documentation

The Beneficiary has the obligation to retain all related documents for control and audit purposes, for 3 years following the final payment to the beneficiary of the project for SMEs²² and for 5 years following the final payment to the beneficiary of the project for Large Enterprises²³. The Beneficiary must also co-operate with the Measures and Support Division and other monitoring and audit bodies entrusted with such functions with respect to the granting of aid under this scheme, for the duration of the retention of documents period in light of audits and other controls.

6.2 Monitoring

Effective monitoring is an important aspect which needs to be undertaken to ensure efficient and effective implementation and in ensuring that the targeted outcomes are achieved. To this end, both the beneficiary and the Measures and Support Division have specific responsibilities.

6.2.1 Monitoring by the Beneficiary

The beneficiary has the responsibility of ensuring effective monitoring of the implementation of the action. This responsibility goes beyond the achievement of the results but also that of monitoring the efficient implementation of the assisted intervention. The beneficiary must keep documentary evidence of the implementation including the filing system, progress and final implementation reports, photographic evidence, and any necessary pertinent documentation providing an audit trail of the actions and activities within the implemented operation.

6.2.2 Checks by the Measures and Support Division

The Measures and Support Division will conduct desk-based checks as well as physical visits to conduct checks and management verifications on the implementation of the project.

As part of the desk-based checks the Measures and Support Division retains the right to request further documents which may include but not limited to the commencement notice and any requirements and documentation required by the Occupational Health & Safety Authority. Failure by the Beneficiary to provide any documentation requested by the Measures and Support Division may lead to the termination of the Grant Agreement.

When it comes to physical visits the Measures and Support Division shall draw up a report following the visits which will include the findings, and any corrective action required because of the finding of the visit and the checks conducted.

The Measures and Support Division may make enquiries with the Malta Association of Credit Management to carry out the necessary checks in line with the Regulations and Good Governance principles and with other competent Authorities, including but not limited to Jobs Plus, to verify any information submitted.

The Measures and Support Division retains the right to conduct any unannounced monitoring visits at its sole discretion.

²² Applies also to Micro, Small and Medium Sized Voluntary Organisations

²³ Applies also to Large Voluntary Organisations

6.2.3 Monitoring and Evaluation Activities

The beneficiary is bound to co-operate and contribute to all monitoring and evaluation activities organised by the Measures and Support Division, the Planning and Priorities Coordination Division, Audit Authority, the European Commission as well as other Authorities. This may include contribution through participation in surveys, events and in providing information to be included in publications and online media.

6.3 Reporting

A periodical ‘Progress Report’ may be requested to be submitted in line with the indicated schedule:

| Period Covered | Submission Deadline |
|----------------------|---------------------|
| 1 January – 30 June | 31 July |
| 1 July – 31 December | 31 January |

A ‘Final Implementation Report’ is to be submitted together with the final claim for reimbursement, following the completion of all the assisted activities as outlined in the Grant Agreement.

The Measures and Support Division shall carry out on-the-spot checks during and after the project implementation timeframe.

6.4 Reimbursement

Beneficiaries may present a claim for reimbursement, together with a Final Report, upon completion and achievement of a reduction in the Primary Energy Demand (PED) of at least 30%.

Where construction works are carried out, beneficiaries are to also submit a statement from a warranted architect/engineer, supported by evidence, that at least 70% (by weight) of the non-hazardous construction and demolition waste generated on the construction site was prepared for re-use, recycling and other material recovery.

Claim/s for Reimbursement shall follow the sample folder structure downloaded [here](#) and be submitted as soft copy in .Zip format to msd.eufunds@gov.mt. This with the exception of the *Claim for Reimbursement, Annex I to the Claim* and the *Report by the Authorized Representative*, which are either to be submitted as originally signed hard copies or else digitally signed with a Qualified Signature (QES).

Milestone and Amount – Achievement of a reduction in the Primary Energy Demand (PED) of at least 30%. 100% of the grant amount as identified in the Grant Agreement

Payment Trigger – Receipt of claim for reimbursement accompanied by a Final Implementation Report from the Beneficiary and a declaration that the project has achieved a reduction in Primary Energy Demand (PED) of at least 30%. The Measures and Support Division retains the discretion to request the Beneficiary to present expert reports to substantiate any claim presented, when and as required.

The claim for reimbursement shall include the following documentation:

- Claim for Reimbursement
- Checklist Annex to Claim for Reimbursement
- Final Implementation Report
- Compliance Certificate/s issued by the Malta Tax and Customs Administration (MTCA) covering income Tax, VAT and Final settlement and of Social Security Contributions Compliance Certificates **issued not earlier than one month from the date** when respective claim for reimbursement is presented to the Measures and Support Division.
- Statement by warranted Architect/Engineer confirming that:
 - the Do No Significant Harm principles mainly climate change mitigation; climate change adaptation; the transition to a circular economy including waste prevention and recycling; pollution prevention and control have been adhered to.
 - Listing the interventions carried out together with photographic evidence (*especially where interventions cannot be visible after implementation*).
 - Where construction works are carried out, the Statement shall also include, supported by evidence, that at least 70% (by weight) of the non-hazardous construction and demolition waste generated on the construction site was prepared for re-use, recycling and other material recovery.
 - In those cases where the investment led to a PED reduction of at least 40%, the statement shall confirm that the investment improved the energy performance of the building beyond the level imposed by minimum energy performance standards qualifying as Union standards entering into force within less than 18 months from the moment the investment is implemented and finalised.
- [Beneficiary Financial Identification Form](#)
- Right of Use of Premises
- Statement signed by the **Authorised Representative** specifying that:
 - (i) The expenditure to implement the action was actually incurred by the Undertaking and was not reimbursed or may be recoverable through other sources;
 - (ii) The expenditure satisfies the conditions that are outlined in the Grant Agreement;
 - (iii) The output (investment) is in place and set in operation within the duration of the project period being the timelines outlined in the Grant Agreement;
 - (iv) The Beneficiary has ensured that any rules governing accumulation of aid have been respected.

Once the claim for reimbursement is submitted, the Measures and Support Division shall engage an independent, vis-à-vis the applicant Undertaking, EPB (Non-Dwellings) Assessor,

who has not performed the verification of the data on the application of the same project, to provide a report including:

- An energy performance reading of the building after the renovation is complete and net of renewables.
- An expert opinion on the implemented intervention; and
- The percentage reduction in Primary Energy Demand (PED) as a result of the implemented project interventions.

The Measures and Support Division may request further documentation where and as necessary and the reimbursement request will only be processed once the IB is satisfied that the reimbursement criteria have been met.

It is the beneficiary's responsibility to ensure that reimbursement requests, including all the required supporting documentation, are submitted to the IB by not later than 31 March 2026, or on a later date as identified by the Measures and Support Division

Reimbursement requests are expected to be submitted to the IB within 3 calendar months from the end date of the operation as identified in the Grant Agreement and/or approval for extensions. Failure to submit the claim within such period shall incur a deduction of 0.5% of the original Grant amount awarded for every month, or part thereof, that the beneficiary doesn't submit the claim.

6.5 Payment Process

The Measures and Support Division shall ensure that every effort is made to process the payment without undue delay from receipt of a complete Claim for Reimbursement, and further to the resolution of any clarifications sought from the beneficiary and is satisfied that the assisted intervention has been implemented in line with the Grant Agreement and the pertinent regulations. Once the claim for reimbursement is processed, further checks may be conducted by the EU Payments Unit before the execution of the payment. The Measures and Support Division shall not be held liable for any delays in the payment process, or for any overruling by a superior authority of its initial approval of payment. Should the Beneficiary take his case to Arbitration as identified in [Section 7.5](#), the payment process shall be put on hold until such a decision is given.

6.6 Double Financing

In line with the provisions of Article 191 (3) of Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, it is a fundamental principle that **in no circumstances shall the same costs be financed twice by the budget**. The Measures and Support Division reserves the right to share all the information related to the supported activities with other public entities to ensure that no other public funds were made available to the Undertaking in respect of the same activity. Funding for the same action from any other source of public funds is prohibited and will result in claw back (recovery) of funds.

7. Audit and Control

7.1 Internal Control

The beneficiary has the responsibility to put in place and maintain control arrangements to ensure proper and sound financial management of the funds.

7.2 Accounting Treatment

7.2.1 Enterprises with the obligation to prepare annual financial statements

Use of an Adequate Accounting Code (*a Nominal Ledger Account dedicated to the scheme*) in an existing computerised Accounting System: in this case, beneficiaries must make provisions to open a new Accounting Code in their Nominal Ledger, where all transactions related to the operation will be posted. All entries must be easily identifiable and retrievable, as well as auditable. Beneficiaries may make use of Journal Entries. The same principles apply if a strictly separate accounting system is opted for.

Beneficiaries must comply with generally accepted accounting principles and practices as defined by Article 3(1) of LN. 19 of 2009 Accountancy Profession (Accounting and Auditing Standards) Regulations. This shall mean that beneficiaries are to adhere either to:

- i. International Accounting Standards²⁴; or
- ii. General Accounting Principles for qualifying private or small and medium-sized entities as may be prescribed by regulations, directives or guidelines issued from time to time in terms of the Accountancy Professions Act.²⁵

7.2.2 Enterprises with no obligation to prepare annual financial statements

A separate Bank Account and/or a record showing full details of expenditure paid and funds received related to the operation (*e.g. spreadsheet*) must be kept.

7.2.3 Audit Visits

It is pertinent to note that audit visits may be conducted without prior notice, throughout the different phases of the action including after completion of the action.

Beneficiaries should ensure that the Authorized Representative and Project Manager are available during the audit. All the documentation should be available in the designated project file and access to the documentation is to be facilitated, as may be requested by the auditors.

7.2.4 Audit Follow-up

Further to the conclusion of the audit, the auditors will draft a report outlining all the findings and any pertinent recommendations. If clarifications are required, the auditors will seek feedback from both the Measures and Support Division and the beneficiary. The beneficiary is obliged to co-operate and provide the requested feedback, data, and information by the indicated deadlines and without undue delays.

²⁴ Particularly the International Accounting Standard (IAS) 20: Accounting for Government Grants and Disclosure of Government Assistance.

²⁵ For financial reporting periods commencing on or after 1st January 2016 SL 281.05 (General Accounting Principles for Small and Medium-Sized Entities) Regulations.

7.3 Irregularities

Irregularities may be identified during different stages of the operation because of the different checks and audits carried out by different bodies, including the beneficiary. Irregularities may be identified also through other means such as fiscal controls and evaluations, receipt of complaints or information which may also be anonymous and public domain information.

The Beneficiary is responsible to **report** any irregularity detected **without delay** to the Measures and Support Division.

7.4 Financial Recovery and Correction

In those instances where an irregularity necessitates the recovery of funds, the individual/organisation that identified the irregularity must ensure that the recovery procedures are initiated immediately.

It is pertinent to note that failure to apply rules and regulations can result in irregularities which in turn could result in financial corrections, which in certain cases may lead to a recovery of up to 100% of the payment. The applicable recovery rates will be determined in line with the guidelines issued by the European Commission and in terms of State Aid Regulations.

7.5 Malta Arbitration Centre

Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination or invalidity thereof, shall be settled by arbitration in accordance with Part IV (Domestic Arbitration) of the Malta Arbitration Act and the Arbitration Rules of the Malta Arbitration Centre as at present in force.

In the case of any dispute, controversy or claim arising out of or relating to any financial recovery and/or financial correction, or the breach, termination or invalidity thereof of the Grant Agreement, beneficiaries may elect to open a claim to be settled by arbitration in accordance with Part IV (Domestic Arbitration) of the Malta Arbitration Act and the Arbitration Rules of the Malta Arbitration Centre as at present in force.

In such an event the applicant and the IB agrees that:

- a) the appointing authority shall be the Malta Arbitration Centre
- b) the number of arbitrators shall be one
- c) the place of arbitration shall be Malta
- d) the language(s) to be used in the proceedings shall be Maltese or English
- e) the applicable substantive law shall be Maltese National Law
- f) the award shall be final and binding and there shall be no appeal
- g) the arbitrator shall decide ex aequo et bono.

If the beneficiary accepts the reimbursement than he will be forfeiting the right to open a claim with the Malta Arbitration centre.

8. Information and Publicity

Beneficiary Undertakings are responsible for ensuring proper visibility of interventions assisted through this Grant Scheme, part-financed by the European Union through the NextGenerationEU Funds.

All communication and publicity measures must acknowledge support from the European Union and the respective Fund in line with Article 34 of Chapter VIII of Regulation (EU) No. 2021/241 of 12 February 2021.

Visibility measures should be proportionate and reflect the scale of assistance and the nature of the project.

Beneficiaries are to seek the guidance of the Measures and Support Division prior to embarking on publicity and visibility actions. Failure to fully comply with the visibility and publicity requirements will result in financial corrections and loss of funds. The beneficiary is responsible to keep evidence of compliance such as copies of printed documentation, photographic evidence of commemorative plaques and posters affixed throughout the implementation of the project.

8.1 Public Notification

In line with the principle of transparency all awarded grants are to be made publicly available on www.fondi.eu.

Such register shall include the following details:

- the identification of the beneficiary,
- the aid amount,
- the granting date,
- the aid instrument, and
- the sector involved on the basis of the statistical classification of economic activities in the Union ('NACE classification').

Furthermore, in line with Article 9(1)(c) of the General Block Exemption Regulation, information regarding any individual aid awards that exceed €100,000 is to be made publicly available in the Commission's transparency award module or on the national State Aid website.

8.2 Commemorative Publicity

Permanent commemorative publicity shall be affixed, within 1 month from completion of the investment project as follows:

- In a prominent site within the premises that is accessible to the general public, such as the reception area.
- In any section/area where any financed investment is located and/or affixed to the financed investment in case this is mobile.

Permanent publicity is to be produced as follows:

- **Dimensions:** Proportionate to the size of the operation and legible by passers-by, clients etc. However, the minimum size standard A4 (0.210m × 0.297m)
- **Suggested background:** Copper, Bronze, Silver, Chrome, or Perspex
- **Fonts and Sizes:** Font in proportion to size of plaque. The beneficiary is to liaise with the Measures and Support Division to determine font type and size.

All logos and emblems can be downloaded from [here](#).

| | |
|---|---|
|  GOVERNMENT OF MALTA |  FONDI.eu |
| <p>TITLE OF PROJECT</p> <p>RETROFIT</p> | |
|  Funded by the European Union NextGenerationEU | |

9. Durability

It is the beneficiary's responsibility to ensure compliance with the Durability requirements of assisted operations in line with the applicable Guidance Notes and the Grant Agreement, failure of which may result in recovery of funds.

- a) Any changes, including but not limited to change in ownership of the premises, shall be communicated to the Measures and Support Division prior to the change coming into effect. This shall apply for a period of three years following the final payment to the beneficiary of the project in the case of an SME²⁶, or, five years following the final payment to the beneficiary of the project in case of a large enterprise²⁷. The beneficiary is responsible to provide the Measures and Support Division with the contact details of the new ownership including the name, email address and mobile number.
- b) Should there be a change in ownership, the new owner shall retain ownership of fixed assets purchased through EU funds and should ensure that the acquired assets are kept in good working order throughout and after the operation life and for the period as outlined in the applicable Guidance Notes.
- c) The beneficiary, or any future owner, shall ensure that the relevant publicity appears on the premises and the equipment purchased as well as on the relevant documentation (proportionality should apply in the case of infrastructural operations whereby the whole building or area is co-financed, refer to [Section 8 – Information and Publicity](#)) for a period of three years following the final payment to the beneficiary of the project in the case of an SME²⁸, or, five years following the final payment to the beneficiary of the project in case of a large enterprise²⁹.
- d) The beneficiary, or any future owner, shall allow access to the premises to the Measures & Support Division for a period of three years following the final payment to the beneficiary of the project in the case of an SME³⁰, or, five years following the final payment to the beneficiary of the project in case of a large enterprise³¹.
- e) Should there be a change in ownership, it is the responsibility of the beneficiary to inform any future owner of the responsibilities in this article. Failure to abide with such, may result in recovery of funds.

Non-compliance to the above could result in the full/partial recovery of the grant as identified in [Section 7.4](#).

²⁶ Applies also to Micro, Small and Medium Sized Voluntary Organisations

²⁷ Applies to Large Voluntary Organisations

²⁸ Applies also to Micro, Small and Medium Sized Voluntary Organisations

²⁹ Applies to Large Voluntary Organisations

³⁰ Applies also to Micro, Small and Medium Sized Voluntary Organisations

³¹ Applies to Large Voluntary Organisations

10. Data Protection

Data and information collected and held by the Measures and Support Division in relation to the financed action will be transferred to the Planning and Priorities Coordination Division and may also be transferred to official third parties in order to fulfil the Measures and Support Division's functions, in line with Community obligations according to law and in line with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and any amendments thereof.

Information and any data provided by the potential beneficiaries and beneficiary will be used for the sole purpose for which they are intended, that is, (i) verification procedures; and (ii) evaluation and monitoring purposes in line with Regulation (EU) 2021/241. The data will not be used for any other means or for any other purpose that is incompatible with that for which the data is being collected.

In applying for assistance under this scheme, applicants will be giving authorisation to the Measures and Support Division to make enquiries and to carry out the necessary checks with the competent Authorities and Organisations to verify any information submitted in relation to the application.

Beneficiary Undertakings should ensure that they disclose factual and accurate data to the Measures and Support Division. The Beneficiary Undertaking has the right to access all the data relating to the grant issued in its name and may request the rectification of any incorrect data.

11. Contact Details

For more information regarding the Retrofit aid scheme, kindly contact the Measures and Support Division.

Address: Measures and Support Division

The Oaks Business Centre

Farsons Road

Hamrun HMR1325

Telephone Number: 25552635

Email: msd.eufunds@gov.mt

Website: www.fondi.eu

Annex I – Change of Project Manager Form



Change in Project Manager Form

I, (Name of Authorised Representative), as Authorised Representative on behalf of (Name of Beneficiary) as the Beneficiary, appoint (Name of new Project Manager) holder of ID card No. (ID No.) to the position of Project Manager in the stead of (Name of current Project Manager) for the investment project (Project Reference) effective as of (Date of new appointment).

The new Project Manager holds the position of (Insert Position within Enterprise) within the enterprise and may be contacted on (Insert Phone Number) and (Insert email Address).

Name of Authorised Representative Signature Date

Name of New Project Manager Signature Date



Annex II – Beneficiary Financial Identification Form



Financial Identification Form – EU Funds
Formola ta' Identifikazzjoni – Fondi tal-UE
 EU Payments Unit



| | | | | | |
|--|---|---------------------------------------|--|--|--|
| Part I | Name and Surname or Enterprise/Entity Name / Isem u Kunjom jew Isem I-Intrapriża/Entita' _____ _____ | | | | |
| | Company Registration Number and Name (if applicable) / Numru ta' Registrazzjoni Tal-Kumpanija u Isem [jekk applikabbli] _____ _____ | | | | |
| | Identification Number (ID or Passport) / Numru ta' Identifikazzjoni (ID jew Passaport) _____ _____ | | | | |
| | Address / Indirizz _____ _____ _____ | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Town or City / Raħal jew Bet _____</td> <td style="width: 50%; border: none;">Post Code / Kodiċi Postali _____</td> </tr> </table> | Town or City / Raħal jew Bet _____ | Post Code / Kodiċi Postali _____ | | |
| Town or City / Raħal jew Bet _____ | Post Code / Kodiċi Postali _____ | | | | |
| | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Country / Pajż _____</td> <td style="width: 50%; border: none;">Telephone Number or Mobile Number Numru tat-Telefown jew Numru tal-Mowbajl _____</td> </tr> <tr> <td style="width: 50%; border: none;">VAT Reg. Number/ Numru tar-Registrazzjoni tal-VAT _____</td> <td style="width: 50%; border: none;">Tax Identification Number (if applicable) / Numru ta' Identifikazzjoni Fiskali [jekk applikabbli] _____</td> </tr> </table> | Country / Pajż _____ | Telephone Number or Mobile Number Numru tat-Telefown jew Numru tal-Mowbajl _____ | VAT Reg. Number/ Numru tar-Registrazzjoni tal-VAT _____ | Tax Identification Number (if applicable) / Numru ta' Identifikazzjoni Fiskali [jekk applikabbli] _____ |
| Country / Pajż _____ | Telephone Number or Mobile Number Numru tat-Telefown jew Numru tal-Mowbajl _____ | | | | |
| VAT Reg. Number/ Numru tar-Registrazzjoni tal-VAT _____ | Tax Identification Number (if applicable) / Numru ta' Identifikazzjoni Fiskali [jekk applikabbli] _____ | | | | |
| | Contact Person / Isem tal-Persuna li magħha għandu jsir kuntatt _____ _____ | | | | |
| | e-mail Address [generic] / Indirizz Elettroniku [generiku] _____ _____ | | | | |
| Part II | Bank Account Holder / Isem tad-Detentur tal-Kont tal-Bank _____ _____ | | | | |
| | Bank Name / Isem tal-Bank Kummerċjali _____ _____ | | | | |
| | Branch Address / Indirizz tal-Ferġha tal-Bank Kummerċjali _____ _____ _____ | | | | |
| | Town/City and Post Code / Raħal / Belt u Kodiċi Postali _____ _____ | | | | |
| | Country / Pajż _____ | | | | |
| | International Bank Account Number (IBAN) [compulsory] / Numru Internazzjonali tal-Kont Bankarju (IBAN) [obbligatoriju] _____ _____ | | | | |
| | Bank Identifier Code (BIC) / Kodiċi ta' Identifikazzjoni tal-Bank (BIC) _____ _____ | | | | |

Part III

I the undersigned declare that all information filled herein and conferred to you is to the best of my knowledge and belief true, correct and complete. I understand and am fully aware that falsification of any information may jeopardise the validity of the payment issued thereon. I further declare that I have read and understood the details given on pages 2/3 of this form, and unless otherwise directed, the above information may be used for future EU related payments.

Jien, hawn taht iffirmat, niddikjara li l-informazzjoni kollha mimlija hawn fuq u mogħtija, hija, sa fejn naf jien, vera, korretta u sħiħa. Jiena niherem, u jiena konxju, illi falsifikazzjoni ta' kwalunkwe tip ta' informazzjoni tista tippenkola l-validità ta' pagamenti maħruġa fuq din l-informazzjoni. Niddikjara wkoll illi jena qrajt u fhmjt id-dettalji mogħtija fit-tieni/tielet pagna ta' din il-formola, u sakemm ma jkunx indikat mod ieħor, l-informazzjoni ta' hawn fuq tista' tintuża għal pagamenti futuri relatati mal-Fondi tal-UE.

Signature of Account Holder
Firma tad-Detentur tal-Kont
Date / Data

[compulsory / obbligatoriju]



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NextGenerationEU