

Signed declaration

As part of a loan application to be used in the form of a line of credit, investment loan or overdraft facility (hereinafter the **Loan**) submitted to ING Luxembourg S.A., 26 place de la Gare, L-2965 Luxembourg (hereinafter the **Bank**) to cover temporary financial or cash flow difficulties arising out of the economic consequences of the Ukrainian conflict (hereinafter the **Purpose of the Loan**);

the following natural person or company acting through its duly authorised representative(s):

Company Name	
Professional address or registered office of the company	

(hereinafter the **Customer**) ;

in the context of processing the said Loan application in order to be able to receive support from the State Treasury in the form of a partial guarantee under this Loan in favour of the Bank (hereinafter the Ukrainian Conflict Guarantee) pursuant to the provisions of the Act of 15 July 2022 establishing an aid scheme in the form of guarantees in favour of the Luxembourg economy in the context of the Ukrainian* conflict (this Act, such as subsequently amended, hereinafter the Act): (such as published);

Hereby declares and certifies to the Bank as follows:

- that it is either (i) a commercial, artisanal or industrial company with a business permit issued pursuant to the amended Act of 2 September 2011 regulating access to the professions of tradespeople, merchants, manufacturers and certain independent professionals or (ii) a natural or legal person established in Luxembourg who primarily and independently carries on one of the activities referred to in Article 91(1), point 1 of the amended Act of 4 December 1967 on income tax;
- That it is experiencing temporary financial or cash flow difficulties due to the economic consequences of the conflict between Russia and Ukraine;
- That it would like to receive a loan from the Bank intended exclusively to finance the Purpose of the Loan;
- that the Loan application made to the Bank will not exceed, in case of agreement, the legal maximum threshold of 15% of the total average annual turnover achieved by the company over the last 3 years OR 50% of the company's energy costs over the previous 12 months;
- that it is not excluded as provided for in Article 1 4° of the Act after being found guilty of violating the provisions prohibiting illegal working or the provisions prohibiting the employment of third-country nationals residing illegally in Luxembourg;
- that it does not fall within one of the other cases excluded from the scope of the Act as provided for in Article 1 of said Act;
- that it does not benefit from any other guarantee measures granted by the Luxembourg State, including those falling under Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, and that the Customer has not applied for such a measure;
- that it has duly informed the Bank of all other loans or credit guaranteed by the Government or referred to in the previous paragraph as well as any other pending applications made with other credit institutions to obtain loans or credit covered by the State Guarantee.

Furthermore, by signing this declaration the Customer expressly represents that:

- > it authorises the Bank to process the Customer's (personal) data for the purposes of assessing the application, granting and monitoring the Loan, as well as for any recovery of amounts due under the Loan;
- > it irrevocably accepts that the Bank may (and expressly and irrevocably authorises it, as far as necessary, to) provide, at the first request of the State Treasury, the Ministry of Finance, as well as the Ministry of the Economy, any information and/or documents of which the Bank has or will have knowledge, including those on the Customer, its activities, the loan granted to it by the Bank and the Purpose of the Loan;
- > it is aware that the State Treasury, the Ministry of Finance, as well as the Ministry of the Economy will in turn process this data for the purposes of the application for the State-backed guarantee scheme and the proper application of the Act;
- > it irrevocably authorises the Bank to exchange in the same context information about the Customer and its Loan application with any other financial institution (i) authorised to grant a loan covered by a State Guarantee in accordance with the Act, which may have granted the Applicant a loan covered by a State Guarantee and/or received a similar loan application from the Applicant or (ii) having granted or received another application for support provided for by the State in the context of the Act.

Finally, the Customer declares that all information and data provided to the Bank in this Declaration and the Loan application is accurate, true and complete, and that it is aware that any false, inaccurate or incomplete declaration may result in the refusal of the Loan or its immediate termination, or the obligation to immediately repay the loan and all aid granted under the conditions imposed by the Act without prejudice to possible criminal sanctions in accordance with Article 8 of the Act.

Drawn up in _____, on _____

Certified true and accurate

(signature)

(signature)

Personal data collected as part of this application will be processed by the Bank in accordance with the «General Data Protection Regulation» (Regulation (EU) 2016/679 - GDPR). All data subjects have the right to access and correct such data, and, within the limits of the legal provisions, the right to restrict processing, the right to object to such processing and the right to request the deletion of certain data in accordance with the Privacy Statement and General Terms and Conditions of the Bank available on the website www.ing.lu.



do your thing