

Term of Acceptance

Incentive System for Companies Competitiveness

SME Qualification and Internationalisation

Whereas:

Under the terms of paragraph 1 of Article 26 of Decree-Law no. 20-A/2023, of 22 March, it is hereby declared that notice has been taken of, and is accepted in its precise terms, the approval decision of the Managing Authorities of the Innovation and Digital Transition Programme and the Lisbon Regional Programme, issued on 19 October 2023 and 28 November 2023, under Information no. 183/UIE/A2023 and PRL 2030_CD 14_2920, in Annex I, regarding the granting of financial support for operation no. 2920, submitted by the beneficiary **ASSOCIAÇÃO PORTUGUESA DOS INDUSTRIAIS DE MARMORES GRANITOS E RAMOS AFINS (ASSIMAGRA)**, Corporate Taxpayer no. 500834938, under the terms of Tender Notice no. 04/SI/2022, complemented by Management Guideline no. 01/2023, both in Annex II to this Acceptance Term.

Upon signing this Acceptance Term, the beneficiary(ies) identified above and, subsidiarily, the members of their governing, administrative or management bodies and other persons exercising administrative or management functions, shall be bound to comply with all conditions and obligations arising from the applicable legal framework, namely to repay amounts unduly received or not justified, as established in paragraphs 2 and 3 of Article 26 of the aforementioned Decree-Law no. 20-A/2023, of 22 March.

1. Subject Matter

a) The object of this Acceptance Term is the granting of a financial incentive to be applied in the execution, by the beneficiary, of operation no. 2920, with a total global eligible investment amount of 3,441,388.51 € (*three million, four hundred and forty-one thousand, three hundred and eighty-eight euros and fifty-one cents*), as identified in **Annex III**, under the terms in which it was approved and which is considered an integral part of this Acceptance Term.

b) The execution period of the operation runs from 1 January 2023 to 31 December 2024.

2. Conditional Approval Decision

As established in the approval decision, the granting of the incentive is subject to the validation of the following conditions:

a) During project execution, entities shall prevent any technical team overlaps assigned to the project with other projects approved or to be approved that present the same execution period;

b) The payment of the incentive is subject to the assessment of the promoting entity's framework under the terms defined in Article 2 of the Public Contracts Code (CCP);

c) The qualitative appraisal and evaluation of the project shall be carried out within the scope of the Technical Monitoring Group to be established, taking into account the different interventions in the Project;

d) Eligibility of consultancy services subject to verification of acquisition under market conditions;

e) For consistency in communication image of the various brands to be promoted within the scope of publicly funded projects, the Promoting Entity shall coordinate the brand communication in foreign markets in advance with AICEP, opting for the presentation of a single brand on physical supports, namely stands, outdoor advertising or other forms of paid advertising;

f) Coordinate in advance with AICEP regarding prospecting and promotion actions, including business missions to foreign markets, inward missions to Portugal, exhibitions, workshops and other promotional events organised by the promoting entity, concerning their scheduling, objectives, sectoral scope and programme;

g) Regarding joint presence on digital platforms, participation in digital events and the holding of virtual missions, all means of proof associated with the participation of the SMEs involved in the joint project shall be ensured, namely through respective registration records, evidence of effective involvement in the actions and assessment of the viewing and interaction indicators established in the project decision;

h) All promotional content and supports published shall be made available, establishing their unequivocal association with the expenses assigned to the joint project and the participating SMEs. Likewise, the eligibility of all actions, even those in digital format, is subject to compliance with the rules for publicising support granted by the European Structural and Investment Funds (ESIF) available in the Communication Rules;

i) The eligibility of actions with fewer than 5 participating SMEs is subject to prior validation of the effective relevance of participation in view of the potential results to be achieved, during execution monitoring; for this purpose, promoting entities must request confirmation from the respective Client Manager at AICEP.

Proof of the aforementioned conditions is carried out through the presentation of the respective documentation, by submitting it via "upload" to the Information System, respecting the deadlines set for each condition.

3. Incentive

The total incentive to be granted, as defined under the terms of the respective approval decision, shall take the form of an ERDF¹ grant, distributed by amounts and funding rates under the terms of Annex III.

4. Eligibility Requirements

¹ European Regional Development Fund

NON OFFICIAL TRANSLATION – NON CONFIDENTIAL

The beneficiary(ies) must, from the date of application until the conclusion of the operation, ensure compliance with the following eligibility requirements:

- a) Be legally qualified to carry out the respective activity;
- b) Not be an undertaking in difficulty, according to the definition provided for in point 18 of Article 2 of Regulation (EU) no. 651/2014, of 17 June, in its current wording;
- c) Present a balanced economic-financial situation and demonstrate capacity to finance the operation, under the terms of the Specific Regulation for the Innovation and Digital Transition Thematic Area (REITD), approved by Ordinance no. 103-A/2023, of 12 April;
- d) Not have salaries in arrears;
- e) Possess or be able to ensure own human resources, as well as technical and material means necessary for the execution of the operation;
- f) Have a bank account opened in an institution legally qualified to operate in national territory;
- g) Not hold, nor have held in the last three years, by themselves or by their spouse (separated or not), or by their ascendants and descendants up to the first degree, capital in a percentage higher than 50% in entities with an unregularised status regarding repayments within the scope of European funds;
- h) Not be impeded or restricted in access to support under the terms of Article 16 of Decree-Law no. 20-A/2023, of 22 March;
- i) Not have a pending recovery injunction process for illegal aid, under the terms of EU regulations;
- j) Not be in an insolvency process;
- k) Be legally constituted and duly registered, including in the Central Register of Beneficial Owners (*RCBE*);
- l) Have a regularised tax and social security status before the tax administration and social security, respectively;
- m) Have a regularised status regarding repayments within the scope of European funds, including support granted by the Recovery and Resilience Plan (*PRR*).

Without prejudice to the foregoing, the beneficiary(ies) further ensure compliance, at the time of payments, with the eligibility requirements provided for in subparagraphs l) and m).

5. Output and Result Indicators

The output and result indicators to be achieved within the scope of the operation are as follows:

- a) Number of target markets (EU and third countries) targeted in the project: 8;
- b) Number of markets covered within the scope of digital marketing actions: 8;
- c) Number of prospecting and new client acquisition actions in foreign markets: 2;
- d) Number of presences at international fairs and exhibitions: 7;

- e) Number of own online stores created: 3;
- f) Number of new marketplace sign-ups: 5;
- g) Export intensity in the post-project period: 64.68%.

6. Payments

The incentive payments shall be made by the paying entity, via bank transfer to the beneficiary's current account with the following IBAN:

- ASSOCIAÇÃO PORTUGUESA DOS INDUSTRIAIS DE MARMORES GRANITOS E RAMOS AFINS (ASSIMAGRA): [confidential information].

All receipts and payments relating to the execution of the funded operation must be made through the beneficiary's bank account, and in accordance with the provisions of Article 28 of Decree-Law no. 20-A/2023, of 22 March, and further with the procedures to be established in the Regulation defining the procedures to be observed in making payments to beneficiaries.

Payment suspension may occur whenever any of the grounds provided for in Article 29 of Decree-Law no. 20-A/2023, of 22 March, are verified.

7. Conditions for Operation Amendment

Without prejudice to the provisions of paragraphs 7 and 8 of Article 25 of Decree-Law no. 20-A/2023, of 22 March, amendments to the contracted results, implementation schedule, evaluation timing and approved targets, after the signing of this Acceptance Term, may only occur in exceptional, duly justified cases.

8. Obligations of the Beneficiary(ies)

In accordance with the provisions of Article 15 of Decree-Law no. 20-A/2023, of 22 March, and Articles 11 and 36 of the Specific Regulation for the Innovation and Digital Transition Thematic Area (REITD), in the current wording, the beneficiary(ies) shall be obliged to:

- a) Execute the operation under the approved terms and conditions, namely regarding the implementation schedule and fulfillment of output and result indicators;
- b) Allow access to the operation execution sites and to those where elements and documents necessary for the monitoring and control of the approved operation are located;
- c) Preserve documents relating to the execution of the operation, in the form of original documents or certified copies, in digital support (when legally admissible) or on paper, for five years from 31 December of the year in which the last payment is made to the beneficiary(ies), or for the period fixed in applicable national legislation or specific State Aid legislation, if these set a longer period without prejudice to situations of interruption of the period in case of judicial proceedings or at the request of the European Commission;
- d) Publicise the support, in accordance with applicable European and national legislation, ensuring the inclusion of the insignias of the programme or programmes funding Portugal 2030

and the European Union in the infrastructures, on the respective website, in dissemination and communication materials, namely in advertisements published or edited by media outlets, in diplomas or certificates, in documents relating to seminars, training actions or other events, under the terms established in paragraphs 2 and 3 of Article 15 of Decree-Law no. 20-A/2023, of 22 March;

- e) Maintain the legal conditions necessary for the exercise of the activity;
- f) Have a bank account opened in an institution legally qualified to operate in national territory;
- g) Repay all amounts unduly received, in compliance with paragraph 4 of Article 15 of Decree-Law no. 20-A/2023, of 22 March;
- h) Maintain a regularised tax and social security status before the tax administration and social security, respectively;
- i) Have an organised or simplified accounting system, according to the legally required;
- j) Possess a technical and accounting file relating to the operation, preferably in digital support, with all related documentation duly organised, using for this purpose an accounting system for all transactions referring to the operation;
- k) Ensure the provision of elements necessary for monitoring and evaluation activities of the operation, guaranteeing access, namely, to personal data of which they are holders or of third parties involved in the operation held by them, in strict compliance with the rules and principles regarding personal data protection and Article 7 of Decree-Law no. 20-A/2023, of 22 March;
- l) Adopt behaviours that respect the principles of transparency, competition and sound management of public funds, so as to prevent situations likely to constitute a conflict of interest, namely in relations established between beneficiaries and their suppliers or service providers;
- m) Provide, within the set deadlines, the elements requested by entities with competence for monitoring, result evaluation, control and audits;
- n) Request authorisation for all amendments or occurrences relevant to the operation's approval;
- o) Not assign to other purposes, lease, alienate or in any other way encumber goods and services acquired within the scope of the operation, without prior authorisation from the entity competent for the application approval decision;
- p) Comply with public procurement regulations, when applicable;
- q) Commence operation execution within a maximum of 90 working days after the communication of the operation approval decision, except for a duly justified reason accepted by the managing authority.

9. Non-compliance with requirements and/or obligations of the beneficiary(ies)

In case of breach of obligations or non-existence or loss of any eligibility requirement, the support granting decision may be reduced or revoked, as per paragraph 1 of Article 33 of Decree-Law no. 20-A/2023, of 22 March.

10. Reduction of Funding

In addition to what is mentioned in point 9 of this Acceptance Term, funding may further be reduced whenever any of the following situations occur:

- a) Failure to justify expenditure in view of the principles of economy, efficiency and effectiveness and the cost-benefit relationship principle;
- b) Attribution of values higher than those legally permitted and approved or of ineligible values;
- c) Partial execution of the operation in view of approved objectives, outputs and results;
- d) Non-compliance with information and publicity rules, with the reduction being determined based on the severity of the non-compliance, up to 3% of the European funds' support to the operation in question;
- e) Detection, during verification by the managing authority or in an audit, of disregard for European regulations and applicable national standards, namely those referring to public procurement and conflict of interests, in which case a proportional reduction based on the non-compliance shall apply, taking into account, namely, the table of financial corrections approved by the European Commission.

11. Revocation of Funding

In addition to what is mentioned in point 9 of this Acceptance Term, the operation approval decision may further be revoked whenever any of the following situations occur:

- a) Failure to submit, within the set deadlines, reimbursement requests justifying the advances received;
- b) Full non-execution of the operation under the terms in which it was approved or failure to achieve the objectives provided therein under the terms of the approval decision that jeopardise the purposes that determined its approval;
- c) The existence of amendments to determining elements of the approval decision that jeopardise the operation's merit or its financial reasonableness, unless expressly accepted by the managing authority, as well as the failure to communicate these amendments;
- d) Late submission of forms relating to the final balance request, as well as forms relating to reimbursement requests in cases where specific regulations provide for it, unless the justification invoked for this non-compliance is accepted by the managing authority; in this case, the period defined as the deadline for delivery of the reimbursement request or final balance shall remain as the eligible period for consideration of expenses;
- e) Unauthorised interruption of the operation for a period exceeding 90 days;
- f) Presentation of the same costs to more than one managing authority or to other entities responsible for public funding, without application of duly justified allocation criteria;
- g) Funding reduction that compromises the full execution of the operation;
- h) Non-existence of the technical and accounting file or failure to regularise organisational deficiencies and failure to send elements requested by the managing authority within the deadlines set by it;

- i) Refusal to submit to the control and audit to which they are legally subject;
- j) Failure to provide a suitable guarantee, when required;
- k) Providing false statements or inaccurate, incomplete, or non-conforming statements, namely regarding the beneficiary(ies), the implementation of the operation, or the costs incurred, which substantially affect the justification of the support received or to be received.

12. Recovery of Unduly Paid Amounts

Amounts unduly received by the beneficiary(ies), namely due to breach of legal obligations, the occurrence of any irregularity, as well as the non-existence or loss of any requirement for granting the support, shall constitute a debt and shall be recovered under the terms provided for in Article 34 of Decree-Law no. 20-A/2023, of 22 March.

13. Intermediate Body²

The monitoring associated with the implementation of the operation is the responsibility of AICEP - Agency for Investment and Foreign Trade of Portugal, E.P.E., which shall ensure all necessary dialogue, given its status as an intermediate body with functions assigned by the Managing Authorities of the Innovation and Digital Transition Programme and the Lisbon Regional Programme under the agreement entered into pursuant to Article 19 of Decree-Law no. 5/2023, of 25 January.

² **Note:** For certification purposes and signatures, reference should be made to the original version /Portuguese official document.

Annex III
Breakdown map of eligible investment and incentive by funding programs

Funding Programme	Eligible Investment (€)	Incentive (€)	Support Rate (%)
Innovation and Digital Transition Programme	3,075,443.60	1,678,173.51	54.57
Lisbon Regional Programme	365,944.91	146,377.96	40.00