

**General terms and conditions for energy aid**

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## 1 Scope of application and publicity of the funding decision

Tekes has granted this funding under the state's annual budget, the Act on Discretionary Government Transfers (688/2001), the Act on the General Requirements for Granting Support for Economic Activity (429/2016) and the Government Decree on General Terms of Granting Energy Aid (1063/2012).

The funding is state aid that is permitted under Article 25 of the General Block Exemption Regulation (Commission 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 (Official Journal of the European Union, L 187, 26 June 2014, page 1).

These terms and conditions are issued under section 11 (4) of the Act on Discretionary Government Transfers (688/2001).

The following funding-related information will be public: the recipient's name, business ID, size, sector, region, form of financing, granting date, the amount of funding granted and the amount paid.

When the recipient disseminates information about the project or its results, it is required to reveal that the project has received funding from Tekes.

Under the Act on the Client Information System of Enterprise Services (1039/2010), the Ministry of Economic Affairs and Employment, Finnvera, Tekes, ELY Centres and TE Offices may exchange client information relating to a recipient.

Tekes may also require information from other authorities and co-funders (such as the Finnish Tax Administration, municipalities, banks, capital investors, Sitra and the Foundation for Finnish Inventions) for the purposes of payment and supervision of funding. Tekes may, notwithstanding confidentiality provisions relating to business and trade secrets, contact these authorities and co-funders in order to obtain or disclose information associated with the recipient and this project. By accepting the funding decision, the recipient agrees to this exchange of information.

The recipient must submit their annual accounts, including attachments, to the Finnish Trade Register as required by law.

## 2 Monitoring of costs

The recipient must arrange accounting so as to facilitate itemisation of costs incurred from the project and verification of their connection to accounting and the cost statement.

Monitoring of the working hours allocated to the project must be arranged in accordance with section 3.3.

## 3 Eligible costs

### 3.1 Principles

Eligible costs include expenditure incurred from investment and investigation projects that

- has arisen from the project during the duration of the project
- has been entered in the accounts of the recipient
- is in net amount and VAT-exempt.

Energy support for investment projects must be applied for before the acquisition of fixed assets or before the commencement of construction, alteration or improvement work funded by the support. Making the final and binding investment decision is considered the commencement of the work. An expense based on an order placed before the beginning of a project period cannot be allocated to the project except when the order is associated with an option to annul it, linked to the launching of the project.

Energy support for investigation projects must be applied for before initiating the project. Making a binding order is considered the initiation of the project.

Costs must already have been paid for when they are declared to Tekes. The payment of the investment may not be paid for by a loan given by the recipient of the payment. The costs must be based on the corresponding expenditure payment records. This does not apply to calculatory costs allocated to the project.

The recipient must, on request, provide the information and documents required for project cost monitoring. These may include copies of receipts, invoice itemisations and the selection criteria for purchased services.

If purchases are made from a group or associated company, the seller must draw up his/her own cost statement in accordance with these terms and conditions. Refer to Section 3.9 for more information.

The cost-category-specific amounts given in the cost estimate appended to the funding decision determine the maximum amount of individual eligible cost categories. Tekes has the right not to

accept costs presented by the recipient if their relevance to the project is not clearly substantiated or they are too large in view of the project results.

### 3.2 Procurement procedures

If the recipient is a public procurement unit or the company has received funding from Tekes or other public funding that covers more than 50 % of the procurement, the recipient must comply with the Act on Public Contracts. The procurement must be subject to tendering as a public contract when its estimated total value, exclusive of VAT, exceeds the value that has been set in the law.

If a public procurement unit has made a procurement in violation of the procurement provisions, the procurement price is not an eligible project cost.

The recipient must prove that competitive bidding has taken place by attaching a copy of the contract notice published in HILMA (hankintailmoitukset.fi) to the cost statement or by providing justification for applying the direct award procedure.

### 3.3 Wages and salaries

#### a) Working time monitoring

Working time must be monitored at an hourly level for each person participating in the project for work performed for the project.

- In addition to reporting the hours worked for the project, working time monitoring must cover total working hours for individuals who do not fall within the scope of the Finnish Working Hours Act or who do not have a specified working time.
- Hours spent working on a project must be reported for the actual days on which the work was done.
- The accountable project leader or the supervisor of each employee must confirm the working hours at least once per month. Entry of confirmation must be saved in the monitoring system.

Tekes has the right not to accept wages and salaries in part or in full if working time monitoring has not been arranged in accordance with these terms and conditions.

Personnel time recording-related materials, hour-based monitoring reports and confirmed monthly summaries must be stored for ten years from remittance of the last project-related financial payment.

#### b) Declared wages and salaries

The recipient may only declare the proportion of a person's wages or salary for their total working hours that is allocated to the project on the basis of working time monitoring.

Eligible costs include wages and salaries subject to withholding tax for the effective working hours dedicated to the project by participants working on the project, for up to 11 months per year (specification template Y4).

Effective working hours do not include paid absences such as annual holidays or the time spent on sick leave or maternity, parental or paternity leave.

The amount of wages and salaries declared to Tekes may not substantially differ from

- what has been paid to the person in question for work at a corresponding level before the project
- the compensation paid to the person by the recipient for other work during the project.

Tekes may, at its discretion, accept the payment of a reasonable wage or salary to a person working for the project who has not been paid any wage or salary for work before the project.

Tekes will not accept any wage or salary components that are paid to a person on the condition that funding for the wage or salary component is provided by Tekes or other funders.

The recipient must notify Tekes if performance-related or other similar exceptional payment components are included in the wages and salaries reported to Tekes. Tekes may, at its discretion, approve them if they are an established and important part of the recipient's wage or salary payment regime. The recipient must always submit an account of the total amount of the exceptional components, the payment criteria and payment period so that the proportion allocated to the project can be determined.

If the remuneration paid is classified as trade income and not as wages or salary, the recipient must declare it under "Purchased services" in the cost statement.

As a rule, the wages or salaries of the recipient's managerial and administrative personnel are classified as overheads. Such wages and salaries may, on a case-by-case basis, be accepted as direct costs, if the work performed is directly allocated to the project.

Any wages and salaries declared as project costs that are paid to persons coming from abroad to work in Finland or persons working abroad must be reported by the recipient on the specification template.

### 3.4 Indirect personnel costs

A percentage of the wages and salaries paid for effective working hours and approved for the project as per the project cost estimate (max. 50 %) can be accepted as indirect personnel costs.

Indirect personnel costs include

- holiday pay, sick pay and holiday bonus
- social security costs
- other employment costs, such as recruitment costs, personnel training, fringe benefits, workwear and protective clothing.

Tekes has the right to intervene in indirect personnel costs approved in the cost estimate arising from employment relationships that are not subject to the same indirect personnel costs as conventional employment relationships. Such employment relationships may apply to individuals who do not fall within the scope of the Working Hours Act (shareholders in leading positions), persons coming from abroad to work in Finland or persons working abroad. If the person is not paid holiday pay, 30 per cent of the declared wages and salaries are accepted as indirect personnel costs.

Tekes has the right to verify all indirect personnel costs and pay the funding on the basis of actual indirect personnel costs when these remain under the level approved in the cost estimate. Indirect personnel costs are calculated using the indirect personnel cost calculation available on the Tekes website.

### 3.5 Overheads

#### Investment projects

Overheads will not be accepted for investment projects.

#### Investigation projects

Tekes can accept up to ten per cent of the total amount of wages and salaries and indirect personnel costs as overheads, if the connection of the overheads to the project can be reliably verified.

Expenses of an overhead nature will not be accepted in any other cost categories of the accounts. Such costs include the salaries of managerial and administrative personnel, IT, office and business premises costs and the related depreciations, as well as annual fees for intellectual property rights.

Tekes has the right to have the overhead cost percentage checked and to pay funding on the basis of actual overheads, if they fall below the level approved in the cost estimate. When requested, the overhead cost rate must be calculated using the overhead cost rate calculation available on Tekes' website.

### 3.6 Travel expenses

Travel expenses included in the project plan of an investigation project can be accepted in accordance with the following regulations of the Finnish Tax Administration:

- Decision of the Finnish Tax Administration on the tax-exempt compensation of travel expenses
- Instruction of the Finnish Tax Administration concerning compensation for commuting expenses

Tekes will accept travel expenses in accordance with other provisions and administrative regulations applying to the recipient if there are provisions regarding the compensation of travel expenses that differ from the decisions and instructions issued by the Finnish Tax Administration. Costs will only be accepted up to the amount specified in the decision of the Finnish Tax Administration.

### 3.7 Material and supplies costs

Materials and supplies purchased from third parties can be accepted in accordance with the related invoicing. Internal purchases of materials and supplies must be recorded at cost price.

### 3.8 Machinery and equipment purchases

#### Investment projects

In investment projects, eligible costs include

- costs arising from the acquisition, installation, repair and alteration of buildings, machinery and equipment

- acquisition of land directly related to investments (no more than ten per cent of total acceptable project costs)
- costs arising from the construction of electric lines and the subscription fee charged by the distribution system operator for electricity production
- the construction costs of the main pipeline required to connect the planned district heating plant to the district heating network
- in network projects involving new technology, the costs arising from the construction of a district heating network that involve new technology

The costs of part payment and leasing contracts are eligible up to the value of equivalent purchase costs. Administration, financing, insurance, repair and maintenance and other similar costs are not eligible costs.

Regarding projects which involve leasing, partial payment of expenses or other similar expenses, support may be remitted in one instalment after the project is completed, although the leasing or partial payments by the recipient of the support would remain incomplete. However, in such a case, the support recipient must prove that the finance company has paid for the acquisition in full.

The completion of a project refers to that phase in the project's life cycle by which the machinery and equipment to which support was assigned have been installed and are in working order. The support recipient must possess a document for the acceptance and testing of the equipment.

### **Investigation projects**

In investigation projects, eligible costs include machinery and equipment, supplies and software costs.

Machinery and equipment, supplies and software costs are only eligible insofar as they are allocated to the project according to actual net purchase prices to the extent that they can be reliably verified from invoices and stock accounting. If machinery and equipment, supplies or software used solely for the implementation of the project have no residual value, they are accepted according to their actual net purchase costs. In other cases, only reasonable operating costs and rental or leasing costs are accepted.

The acquisition cost of personal computers, mobile phones and other equipment included in overheads are not eligible as machinery and equipment purchases.

## **3.9 Purchased services**

### **Investment projects**

In investment projects, eligible costs include

- preparation and planning costs
- costs arising from structural engineering work and construction supervision
- costs arising from clearance and excavation work
- costs arising from commissioning and the training of operating staff required for commissioning
- reasonable costs arising from project communications
- costs arising from the monitoring of the investment for up to a year from the commissioning of the investment, if this is justified due to the special characteristics of the project or other special reasons
- costs arising from project auditing

### **Investigation projects**

In investigation projects, eligible costs include direct costs incurred from the project, such as

- costs arising from consulting and expert services and information management services
- translation and interpretation costs
- reasonable costs arising from project communications and publication of the results
- costs arising from project auditing

Services purchased from third parties can be accepted in accordance with the project plan and invoicing.

Purchased service costs can include the following costs as direct project-related costs:

- data acquisition
- licence purchases, excluding software required for the project
- application for intellectual property rights for SMEs<sup>1</sup>.

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<sup>1</sup>A large company refers to a company that is not considered an SME in Article 2 of Annex I of the Commission 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 (Official Journal of the European Union, L 187, 26 June 2014, p. 1).

Software required for the project is approved under "Machinery and equipment purchases".

The funding may only cover a maximum of 50 per cent of the costs arising from the acquisition, protection and implementation of industrial property rights generated in the projects of SMEs.

#### **Services purchased from domestic SMEs**

For these purposes, a small and medium-sized enterprise (SME) is defined as a Finnish company with fewer than 250 employees.

Work compensation is declared under "Services purchased from SMEs".

#### **Services purchased from domestic public-sector research organisations**

A research institution is defined as a Finnish university, polytechnic or public research institute.

#### **Services purchased from other domestic companies/entities**

Services purchased from domestic organisations other than those specified above are entered under this cost category.

#### **Purchases from other companies in the same group and associated companies**

##### *Definition of an associated company*

Companies are associated with each other if at least 20 per cent of the other company's entire share capital or corresponding shareholders' equity is directly or indirectly owned or controlled by the other company. Tekes may consider companies as associated companies if one of the companies can exercise a dominant influence over the other company or otherwise influence purchasing by the other company. Such a situation may arise, for example, through board membership, the responsible persons, family members or acting as an employee and/or funder.

##### *General principles*

Group companies and associated companies must also observe these general terms and conditions for funding. The support recipient must ensure that the group companies and associated companies arrange project accounting and working time monitoring in a manner that is in accordance with these terms and conditions.

The group companies and associated companies must provide the funding recipient with an invoice for the purchases for the project. Tekes may accept costs that the funding recipient has paid and that the seller has incurred by purchasing equipment and materials or by providing the service. Group-internal administrative costs and items paid as administrative fees are not eligible project costs.

Tekes will accept the paid purchased services without profit. In order to demonstrate the non-profit nature of the services, the group companies and associated companies must provide Tekes with a separate cost statement of the costs arising from the project.

In addition to direct project costs, indirect personnel costs and overheads connected with wages and salaries are also eligible costs. A maximum of 50 per cent of the wages and salaries allocated to the project are accepted as indirect personnel costs (see section 3.4). Overheads are eligible in accordance with section 3.5.

The costs must be declared on the cost statement template Y3, wage/salary specification template Y4 and the accountable project leader declaration Y5. The accountable project leader declaration must be signed by the persons authorised to sign for the group company and the associated company. The templates can be found on the Tekes website.

The recipient must submit the cost statements of the group companies and associated companies and, no later than upon submission of the final report, an auditor's report detailing the costs of the company in a specified form. The auditor's report must be prepared by an independent auditor. The report template is available on the Tekes website. Tekes may, at its discretion, exceptionally accept purchased services without a separate cost statement even from associated companies.

##### *Purchases from foreign company groups, foreign associated companies and costs arising at an office abroad*

Purchases from foreign group companies and foreign associated companies as well as costs incurred for the recipient at an office located abroad may also be accepted as project costs. This must be specified in the special terms and conditions of the funding decision. Only direct project costs are accepted as eligible costs. Indirect personnel costs and overheads are not accepted. Exchange rates on the date of payment are applied to invoices submitted in a foreign currency.

Foreign group companies and foreign associated companies must provide cost statement forms and an auditor's report prepared by an independent auditor. The auditor's report is provided in a specified form and may be in Finnish, Swedish or English. The forms and auditor's report templates are available on the Tekes website.

**Services purchased from the European Single Market**

Services purchased from the European Single Market are recorded here. European Single Market refers to the area comprising the European Economic Area and the Swiss Confederation.

**Services purchased from outside the European Single Market**

Services purchased from outside the European Single Market are entered here.

**3.10 Ineligible costs**

Ineligible costs include

- entertainment expenses
- banking and financing costs
- costs for which public funding that may not be combined with other types of public funding is allocated (for example, the payroll costs of a person who has received a startup grant for the same period)
- payroll costs for which a pay subsidy has been received
- services containing other public funding
- any financing, administration, insurance, repair, maintenance or equivalent costs arising from acquisitions financed through a part payment agreement
- the purchase costs of office equipment, cars and other equivalent durable goods
- costs that are not relevant to project implementation

In investment projects, ineligible costs also include overheads, interest paid during construction, subscription fees other than those referred to in section 3.8, and costs based on the Act on Criteria for Charges Payable to the State (150/1992).

**4 Other public funding**

The cost statement must specify all other public funding granted for the project by the state, municipalities and other public entities or bodies or foundations governed by public law. Funding granted by the European Union must also be reported.

The total funding that the project receives from Tekes and other public funding may not exceed the maximum amount of public funding allowed for the project. If necessary, Tekes will reduce its own contribution to ensure that the maximum amount is not exceeded.

**5 Reporting**

The accountable project leader reports the progress of the project through the Tekes Online Service. The costs allocated to the project must also be declared online.

A wage/salary specification (Y4) must be attached to the cost statement submitted via the Online Service. [An impact assessment form](#) and an auditor's report must additionally be provided in conjunction with the final accounting (see section 6).

The recipient is required to report all project-related costs for final accounting, at the latest. If the maximum amounts for each cost category in the cost estimate are substantially exceeded, the recipient must apply for a change to the cost estimate (see section 9). No new project costs can be presented after the approval of the final report

Costs that have been preliminarily accepted on the basis of the interim report must be processed again as part of the final report. Tekes will only give its final approval to the costs after it has received the auditor's report.

**Investment projects**

Regarding investment projects, each cost statement must be accompanied by a statement from a supervisor or a representative of the support recipient stating that the equipment has been installed and deployed.

The cost statement for the first payment instalment of support must additionally provide an account of the total funding for the project, as well as an account of the insurance of the assets for which support was granted against loss and damage.

Regarding projects which involve leasing or partial payment expenses, the support recipient must submit a leasing or partial payment agreement in connection with a cost statement. Furthermore, Tekes must be provided with a certificate stating that the finance company has remitted the investment in case the funding recipient fails to submit an auditor's report for the project.

**Investigation projects**

Tekes must provide Motiva Oy with the information listed below on the investigation project when the recipient of financing has given his/her consent to such of information in the declaration of acceptance for the funding decision:

- the funding decision and the cost estimate

- the application attachment with forms on subjects of support (1 subject/form) appended to the funding application and submitted to Tekes
- the applicant's contact person and his/her e-mail address

In investigation projects, the funding recipient must provide a final report in conjunction with the final cost statement for the project's results and the opportunities for their utilisation. The funding recipient must, prior to the project's final cost statement, submit the audit reports and the summary tables (paataulu.xls – "main table.xls" and kuntataulu.xls – "municipality table.xls") specific to site to Motiva Oy. Instructions for submittal are available on Tekes' website for energy support.

Motiva Ltd. render Tekes an opinion on the content and comprehension of the report. Tekes will approve the final report on the grounds of Motiva's judgement. On the grounds of the opinion, Tekes has the right to order the discontinuation of the payment of funding and the claw-back of funding or part thereof already paid.

## 6 Auditor's report

The recipient must submit an auditor's report prepared by an independent auditor as part of the final accounting. The auditor's report must cover the entire duration of the project. The reporting template is available on the Tekes website.

The auditor must give special consideration to ensuring the compliance of project accounting and working time monitoring with these terms and conditions and the integrity of the traceability chain.

The costs arising from the auditor's report are eligible as direct project costs. The recipient must provide Tekes with a copy of the audit invoice and a payment receipt/copy of the bank statement as part of the final accounting.

Tekes has the right to submit the auditor's report to other authorities for the purposes of supervising funding.

In a project of a maximum of five proofs of purchase (travel expenses, material and supplies costs, equipment purchases, and the purchase of services), the project auditor's report may be compensated for by including in the cost statement an extract of project accounting from the general ledger, a copy of purchase invoices as well as the payment receipt, and a bank statement indicating that the invoices are paid. However, an inspection report shall be delivered every time that wages/salaries or purchases are declared to the project from inside the group or an associated company.

## 7 Payment of funding

Tekes pays out funding on the basis of approved reports and cost statements.

The funding will be deposited into the bank account indicated by the recipient in the approval of the funding decision. The approval notification must be signed by a person authorised to sign for the organisation.

At least 20 per cent of the funding granted for the project will only be paid after the approval of the final report, provided that the project has accumulated an adequate amount of eligible costs.

Entitlement to the granted funding or part of it will lapse if the recipient does not submit the requested reports or further information by the due date specified in the funding decision or separately notified by Tekes. Furthermore, Tekes will recover any funding already provided, with interest.

## 8 Reporting after the completion of the project

The recipient must supply the grant provider with an account of the project impacts within two years from the payment of the last funding instalment.

Tekes will continue to evaluate the impact of the projects after their completion. If necessary, the recipient must report on project results for five years after the completion of the project.

The recipient must, on request, provide details on the realisation of the plans and forecasts that it presented during the processing of the application and the implementation of the project. Tekes may request a report on how the business targeted in the project has developed.

Tekes must have the opportunity to check the recipient's annual accounts and auditor's reports from the Finnish Patent and Registration Office database for five accounting periods following the completion of the project. Tekes has the right to commission an analysis of the recipient's annual accounts from another public funder.

## 9 Changes in the project

The recipient must apply for approval from Tekes in advance if the project deviates from the original plan in any of the following respects:

- significant changes to the project plan
- changes in cost categories

- changes to the schedule
- changing the reporting date
- changing the accountable project leader
- changes to bank details.

The recipient must notify Tekes of any changes in circumstances affecting compliance with the use and transfer restriction or the use of assets for the purpose specified in the support decision immediately after the change, or within two months at the latest. If the Emissions Trading Act becomes applicable to the project, the funding recipient must inform Tekes of this within two months.

The application for an amendment can be submitted on the project change template available on the Tekes website.

## 10 Project transfer, business arrangements, use and transfer restrictions

As a rule, a funding decision may not be transferred to a third party.

The recipient must notify Tekes in advance if it implements significant business changes or a corporate reorganisation (such as a merger, division, or significant ownership arrangement) during the project.

The assets for which investment support was granted must be used for the purpose specified in the support decision for a period of five years after the payment of the last instalment, and the assets may not be assigned to a third party or transferred into their ownership or control during this time. For machinery used in the production of energy wood, this period is three years.

For special reasons and on application, the provider of the grant may make an exception to the use and transfer restrictions stipulated above.

The recipient must inform the provider of the grant of any changes in circumstances affecting compliance with the use and transfer restriction or the use of assets for the purpose specified in the support decision immediately after the change, or within two months at the latest.

If the Emissions Trading Act becomes applicable to the project, the recipient must inform the provider of the grant of this within two months.

Tekes has the right to claw back any funding under section 14 of these general terms and conditions if the recipient violates the provisions of said section.

## 11 Monitoring by the authorities

The recipient must provide Tekes with correct and adequate information to enable Tekes to monitor adherence to the terms and conditions of the funding decision and the implementation of the project.

Tekes, the Ministry of Economic Affairs and Employment, the National Audit Office, the European Commission and the European Court of Auditors have the right to audit the finances and operations of the recipient as required for the payment of the funding and supervision of its use.

The audits can be performed by other authorities or auditors authorised by Tekes. An external expert may, at Tekes's request, assist in the performance of the audit.

Right of inspection is in effect for a period of ten years from payment of the project's last instalment. Project documents and other materials necessary for monitoring and auditing must be stored for a period of five years after the payment of the last project-funding instalment.

The recipient should assist with the inspection and provide the needed information for the inspector without compensation.

The auditor has the right to seize any material subject to audit, if auditing so requires. A written record must be drawn up of any seizure of materials during an audit. The record must state the purpose of seizing the material and what has been seized. The seized material must be returned without delay when it is no longer needed for the audit.

The auditor has, to the extent required by the audit, the right to enter the premises managed or used by the recipient. This applies to the business, storage and other similar premises used for practising a profession or a business, as well as other areas relevant to the granting of the funding and the supervision of its use. Audits may not be carried out in premises covered by domestic peace.

## 12 Discontinuation of payments

Tekes may order the temporary interruption of the payment of funding on the following grounds:

1. Tekes has reasons to suspect that the recipient is not providing Tekes with correct or adequate information or the information that has been requested or uses the funding in a manner that is in violation of the funding decision.

2. The grounds on which the funding was granted have essentially changed. Such changes include situations where
  - a. the recipient deviates from the project plan without the written agreement of Tekes
  - b. there is a substantial deterioration in the recipient's financial position in relation to the anticipated trend
  - c. the company loses its entire equity
  - d. the company initiates reorganisation proceedings
  - e. the company accumulates tax debts
  - f. the company has failed to observe the repayment obligations of the loans granted by Tekes
3. the payment of funding must be interrupted under European Union legislation.

If the grounds for the interruption are not corrected within the time specified in the decision to interrupt funding, Tekes has the right to discontinue the payment of funding and to claw back the funding already paid in whole or in part.

### **13 Repayment of funding**

The recipient must, without delay, repay any funding or part thereof received through error, in excess or manifestly without cause. Amounts of less than ten euros need not be repaid. The recipient must contact Tekes before the repayment of funding.

### **14 Claw-back of funding**

#### **14.1 Statutory claw-back**

Tekes will order the discontinuation of the payment of funding and the claw-back of the funding already paid if the recipient has

1. failed to repay funding or part thereof that must be repaid under section 13 of these general terms and conditions
2. used the funding for a purpose essentially different from that for which it was granted
3. provided false or misleading information about a matter that has been essential to the granting of the funding, its amount or terms and conditions
4. otherwise fundamentally violated the provisions concerning the use of the funding in a manner comparable to paragraphs 1-3.

#### **14.2 Discretionary claw-back**

Tekes has the right to order the discontinuation of the payment of funding and the claw-back of funding or part thereof already paid if

1. false or misleading information has been provided for the purpose of payment of funding or supervision thereof, information has been concealed, the provision of information has been refused or the information requested by Tekes has not been provided by the specified date
2. the funding has not been used in compliance with the funding decision
3. the recipient has refused to assist in the project audit
4. the recipient has terminated the project for which the funding was granted, reduced or altered it substantially or transferred it to another party
5. the recipient has been subjected to recovery proceedings, placed into liquidation or bankruptcy, or made subject to reorganisation proceedings
6. the claw-back of funding is required under European Union legislation
7. the recipient otherwise acts in a manner comparable to the matters in this section.

#### **14.3 Interest**

The recipient must pay interest on the amount to be repaid or clawed back.

The interest is applied from the date on which the funding was paid. It is calculated as an annual interest to which three percentage points are added. The annual interest is determined in accordance with section 3(2) of the Interest Act (633/1982).

#### **14.4 Penalty interest**

If the recipient has not paid the amount to be repaid by the due date set by Tekes, an annual penalty interest must be paid on the amount.

For the period after the due date, the penalty interest is determined in accordance with the interest rate referred to in section 4(1) of the Interest Act (633/1982).

#### **14.5 Moderation of grant claw-back**

Tekes may decide to waive a part of the grant to be repaid or clawed back, or any interest or penalty interest on it, if repayment in full is unreasonable in light of the financial standing and circumstances of the recipient, in relation to the type of assets acquired with the grant or the procedure on which the claw-back is based, or because of a change in circumstances.

For an extremely weighty reason, Tekes may decide to totally waive the sum to be repaid or clawed back, or the interest or penalty interest on it.

**14.6 Claw-back time limit**

The funding and interest or penalty interest on it will not be clawed back if ten years have elapsed from payment of the final funding instalment for the project.

**15 Tekes' right of offsetting**

The grant to be repaid or clawed back and the interest on it may be deducted from the other grants paid to the recipient.

**16 Misuse**

If, during the course of the project, there is reason to suspect that the recipient or a person acting on the recipient's behalf has committed a criminal offence under the Criminal Code (19 December 1889), with Tekes as the injured party, Tekes will take the required action in the matter.

**17 Order of application**

In the event of a conflict between the funding decision and its appendices, the following order of application will apply:

- |  |   |
|--|---|
| 1) funding decision and its special terms and conditions | 5) funding application and its appendices, and              |
| 2) general terms and conditions                          | 6) other documents relevant to making the funding decision. |
| 3) cost estimate   |   |
| 4) project plan  |   |