

Addendum to the Capacity Agreement

Declaration on honour - Support measures

This addendum to the Capacity Agreement concerns the undertaking [NAME OF RAILWAY UNDERTAKING, ADDRESS] – registered in the CBE with the registration number [•] – represented by [NAME, POSITION].

THE FOLLOWING HAS BEEN STATED FIRST OF ALL:

The infrastructure manager and the non-railway undertaking applicant concluded a Capacity Agreement.

In the context of rail support measures, the non-railway undertaking applicant may have to confirm compliance with certain conditions by means of a declaration on honour attached to the Capacity Agreement.

This addendum contains this declaration on honour.

IT HAS THEREFORE BEEN AGREED AS FOLLOWS:

Article 1 – Object

This addendum is a declaration on honour that certain conditions for obtaining support measures have been met.

Article 2 – Declaration on honour

By signing this declaration, the representative of undertaking [...] honourably declares:

- that the European Commission has not issued a refund order to undertaking [...] or, if the European Commission has issued such a refund order to undertaking [...], that the amounts covered by the order have been refunded
- that the undertaking [...] cannot be considered an undertaking in difficulty as defined by the European Commission in the [Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty](#) (Art. 2.2)
- that the undertaking is operating at the time of application and is not in a state of bankruptcy, cessation or liquidation.

The undertaking's representative [...] pledges to inform Infrabel without delay of any change in the situation mentioned in the above declaration.

Article 3 - Miscellaneous

In accordance with Article 15.5 of the Capacity Agreement, this addendum shall be attached to the Capacity Agreement.

Article 4 - Implementation

This addendum shall apply from the date of signature by the Parties.

Done in [•], on [•], in three originals; one of which is addressed to the Federal Public Service Mobility and Transport.

On behalf of the non-railway undertaking applicant,