Allegato 1

RICHIESTA DI FINANZIAMENTO

Con la presente si richiede la concessione di un finanziamento garantito da SACE S.p.A. ai sensi del Decreto Legge 8 aprile 2020, n. 23 avente le seguenti caratteristiche:

1. Impresa Beneficiaria: [*Ragione Sociale, Partita IVA/Codice Fiscale*]
2. Sede legale: [-][[1]](#footnote-2)
3. Qualificazione dell’Impresa Beneficiaria:

[-] PMI (conformemente alla Raccomandazione della Commissione europea n. 2003/361/CE)

Ha accesso al Fondo di cui all’articolo 2, comma 100, lettera a), della legge 23 dicembre 1996, n. 662:

[-] Sì e ne ha utilizzato l’intera capacità

[-] Non è abilitata ad operare sul Fondo

 [-] Non PMI

1. Appartiene ad un gruppo:

[-] Sì

Capogruppo[[2]](#footnote-3): *[Ragione Sociale, Partita IVA/Codice Fiscale[[3]](#footnote-4)]*

Paese Capogruppo: [-]

Fatturato annuo globale relativo al 2019 (come risultante dal bilancio ovvero dalla dichiarazione fiscale ovvero dai dati certificati[[4]](#footnote-5) non essendo ancora stato approvato il bilancio 2019): [-]

valore su base individuale dell’Impresa Beneficiaria: [-]

valore su base consolidata della Capogruppo: [-]

Fatturato annuo in Italia relativo al 2019 (come risultante dal bilancio ovvero dalla dichiarazione fiscale ovvero dai dati certificati non essendo ancora stato approvato il bilancio 2019):

valore su base individuale dell’Impresa Beneficiaria: [-]

valore su base consolidata della Capogruppo: [-]

Numero di dipendenti in Italia:

valore su base individuale dell’Impresa Beneficiaria: [-]

valore su base consolidata della Capogruppo: [-]

Costi del personale sostenuti in Italia dalla Capogruppo:

[-] come risultanti dal bilancio consolidato 2019 della Capogruppo ovvero dai dati certificati7 relativi al 2019 non essendo ancora stato approvato il bilancio consolidato 2019

OPPURE

[-] attesi per i primi due anni di attività avendo il gruppo di appartenenza iniziato la propria attività successivamente al 31 dicembre 2018

Costi del personale sostenuti in Italia dall’Impresa Beneficiaria:

[-] come risultanti dal bilancio 2019 ovvero dai dati certificati7 relativi al 2019 non essendo ancora stato approvato il bilancio 2019

OPPURE

[-] attesi per i primi due anni di attività avendo l’Impresa Beneficiaria iniziato la propria attività successivamente al 31 dicembre 2018

[-] No

Fatturato annuo globale relativo al 2019 (come risultante dal bilancio ovvero dalla dichiarazione fiscale ovvero dai dati certificati7 non essendo ancora stato approvato il bilancio 2019): [-]

Fatturato annuo in Italia relativo al 2019 (come risultante dal bilancio ovvero dalla dichiarazione fiscale ovvero dai dati certificati7 non essendo ancora stato approvato il bilancio 2019): [-]

Numero di dipendenti in Italia: [-]

Costi del personale sostenuti in Italia dall’Impresa Beneficiaria:

[-] come risultanti dal bilancio 2019 ovvero dai dati certificati7 relativi al 2019 non avendo l’Impresa Beneficiaria ancora approvato il bilancio

OPPURE

[-] attesi per i primi due anni di attività dell’Impresa Beneficiaria avendo l’Impresa Beneficiaria iniziato la propria attività successivamente al 31 dicembre 2018

1. Importo in linea capitale: [-]
2. Scopo: [-]
3. Durata (incluso periodo di preammortamento): [-]

I termini in maiuscolo non diversamente definiti nella presente richiesta avranno il significato ad essi attribuito nelle Condizioni Generali.

Ai sensi degli artt. 46 e 47 del D.P.R. n. 445/2000, il sottoscritto [•], Legale Rappresentante, o altro soggetto munito dei necessari poteri, dell’Impresa Beneficiaria, consapevole delle responsabilità anche penali derivanti dal rilascio di dichiarazioni mendaci e della conseguente decadenza dai benefici concessi sulla base di una dichiarazione non veritiera ai sensi degli articoli 75 e 76 del DPR 28 dicembre 2000, n. 445, dichiara quanto segue:

1. l’Impresa Beneficiaria è un’impresa, diversa da banche e altri soggetti autorizzati all’esercizio del credito, avente le caratteristiche indicate ai punti da 1 a 4 che precedono;
2. il Finanziamento avente le caratteristiche sopra indicate è erogato a decorrere dal 9 aprile 2020 e sarà /stato destinato a:

[-] investimenti

[-] capitale circolante

[-] costi del personale

esclusivamente per stabilimenti produttivi e attività imprenditoriali localizzati in Italia (ad esclusione di acquisizioni di partecipazioni sociali).

A tal fine, l’Impresa Beneficiaria si impegna a fornire a SACE, per il tramite del Soggetto Finanziatore, la documentazione che SACE riterrà idonea a comprovare il rispetto delle finalità sopra elencate;

1. l’Impresa Beneficiaria ha sede in Italia e ha subito, direttamente o indirettamente, una riduzione del fatturato a causa dell’emergenza epidemiologica da “COVID-19”;
2. se appartenente ad un gruppo, l’Impresa Beneficiaria ha ricevuto da parte della società capogruppo l’autorizzazione in merito alla richiesta di Finanziamento;
3. l’Impresa Beneficiaria e le società del gruppo di appartenenza:

[ ] non hanno ricevuto finanziamenti di cui al Decreto, articolo 1, comma 3;

[ ] hanno ricevuto finanziamenti di cui al Decreto, articolo 1, comma 3, esclusi i finanziamenti garantiti da SACE ai sensi di tale articolo, per un importo pari a [●];

1. l’Impresa Beneficiaria non ha ricevuto aiuti di Stato dichiarati illegittimi e non ancora rimborsati (cd. dichiarazione “Deggendorf”);
2. l’Impresa Beneficiaria non ha subito provvedimenti giudiziari che applicano le sanzioni amministrative di cui al decreto legislativo 8 giugno 2001, n.231, articolo 9, comma 2, lettera d);
3. l’Impresa Beneficiaria è a conoscenza della normativa comunitaria, nazionale, primaria e secondaria, applicabile alla Garanzia SACE, ivi inclusa la qualificazione della garanzia statale quale intervento di sostegno pubblico per lo sviluppo delle attività produttive rientrante nell’ambito di applicazione del Decreto Legislativo 31 marzo 1998, n. 123 (“Disposizioni per la razionalizzazione degli interventi di sostegno pubblico alle imprese, a norma dell’art. 4, comma 4, lettera c), della legge 15 marzo 1997, n. 59”) e dei conseguenti impegni ed effetti in caso di revoca totale o parziale della stessa;
4. l’Impresa Beneficiaria riconosce e accetta che SACE potrà esercitare controlli, accertamenti documentali ed ispezioni in loco sino al dodicesimo mese successivo all’integrale estinzione del Finanziamento;
5. l’Impresa Beneficiaria acconsente alla pubblicazione ai fini della normativa sulla trasparenza (D. Lgs. n. 33/2013) delle informazioni inerenti la Garanzia SACE (quali ad esempio nome dell’Impresa Beneficiaria, importo del Finanziamento, oggetto di garanzia e data di emissione);
6. l’Impresa Beneficiaria si impegna a comunicare le eventuali variazioni rispetto a quanto indicato nell’autocertificazione antimafia *ex* articolo 89 del D. Lgs. 159/2011 riportata *sub* Allegato A;
7. l’Impresa Beneficiaria si impegna a rispettare le normative di volta in volta vigenti in materia di lotta al riciclaggio, al finanziamento del terrorismo e alla corruzione;
8. l’Impresa Beneficiaria dichiara che l’importo del Finanziamento non è superiore al maggiore tra i seguenti elementi:
	1. 25% del fatturato annuo dell'Impresa Beneficiaria relativo al 2019, come risultante dall’ultimo bilancio approvato ovvero dalla dichiarazione fiscale ovvero come risultante dai dati certificati7 non avendo l’Impresa Beneficiaria ancora approvato il bilancio;
	2. il doppio dei costi del personale relativi al 2019 sostenuti dall’Impresa Beneficiaria, come risultanti dall’ultimo bilancio approvato;

OPPURE

* + 1. il doppio dei costi del personale dell’Impresa Beneficiaria relativi al 2019 sostenuti dall’Impresa Beneficiaria, come risultanti dai dati certificati7 non avendo l’Impresa Beneficiaria ancora approvato il bilancio;

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* + 1. il doppio dei costi del personale attesi per i primi due anni di attività dell’Impresa Beneficiaria avendo l’Impresa Beneficiaria iniziato la propria attività successivamente al 31 dicembre 2018;
1. l’Impresa Beneficiaria dichiara che, nel calcolo dell’importo del Finanziamento, ha rispettato i seguenti criteri:
	* + - qualora l’Impresa Beneficiaria sia destinataria di più finanziamenti assistiti da una Garanzia SACE o da altra garanzia pubblica, gli importi di detti finanziamenti si cumulano;
			- qualora l’Impresa Beneficiaria sia parte di un gruppo che beneficia di più finanziamenti assistiti da una Garanzia SACE, gli importi di detti finanziamenti si cumulano;
			- i limiti di importo di cui al paragrafo (xiii) si riferiscono al valore del fatturato in Italia e dei costi del personale sostenuti in Italia da parte dell’Impresa Beneficiaria ovvero su base consolidata qualora l’Impresa Beneficiaria appartenga ad un gruppo;
2. l’Impresa Beneficiaria ha:
3. [ ] un numero di dipendenti in Italia inferiore a 5.000 e un valore di fatturato fino a 1,5 miliardi di Euro, sulla base dei dati risultanti dall’ultimo bilancio approvato ovvero dai dati certificati con riferimento alla data del 9 aprile 2020 se l’Impresa Beneficiaria non ha ancora approvato il bilancio;
4. [ ] un numero di dipendenti in Italia maggiore o uguale a 5.000 e/o un valore di fatturato superiore o uguale a 1,5 miliardi di Euro, sulla base dei dati risultanti dall’ultimo bilancio approvato ovvero dai dati certificati con riferimento alla data del 9 aprile 2020 se l’Impresa Beneficiaria non ha ancora approvato il bilancio.

L’Impresa Beneficiaria prende atto e attesta che nel caso di imprese con più di 5.000 dipendenti in Italia o con valore del fatturato superiore a 1,5 miliardi di Euro e, comunque, in caso di importo del Finanziamento maggiore o uguale a 375 milioni di Euro, il rilascio della garanzia è subordinato alla decisione assunta con decreto del Ministro dell’economia e delle finanze, sentito il Ministro dello sviluppo economico, adottato sulla base dell’istruttoria trasmessa da SACE, tenendo in considerazione il ruolo che l’Impresa Beneficiaria svolge rispetto alle seguenti aree e profili in Italia:

* contributo allo sviluppo tecnologico;
* appartenenza alla rete logistica e dei rifornimenti;
* incidenza su infrastrutture critiche e strategiche;
* impatto sui livelli occupazionali e mercato del lavoro;
* peso specifico nell’ambito di una filiera produttiva strategica.

A tal fine l’Impresa Beneficiaria attesta di svolgere la propria attività nell’ambito di [●], come risultante dai documenti riportati *sub* Allegato B;

1. l’Impresa Beneficiaria dichiara che né essa, né ogni altra impresa con sede in Italia che faccia parte del medesimo gruppo cui la stessa appartiene, ha approvato la distribuzione di dividendi o il riacquisto di azioni a decorrere dal 9 aprile 2020 e si impegna a non approvare la distribuzione di dividendi o il riacquisto di azioni nel corso del 2020;
2. a decorrere dal 9 aprile 2020, l’Impresa Beneficiaria ha gestito i livelli occupazionali attraverso accordi sindacali e si impegna a gestire i livelli occupazionali attraverso accordi sindacali per tutta la durata del Finanziamento;
3. l’Impresa Beneficiaria non rientrava, alla data del 31 dicembre 2019, nella categoria delle imprese in difficoltà ai sensi del Regolamento (UE) n. 651/2014 della Commissione, del 17 giugno 2014, del Regolamento (UE) n. 702/2014 del 25 giugno 2014 e del Regolamento (UE) n. 1388/2014 del 16 dicembre 2014 e dichiara che i dati sulla base dei quali ha effettuato la valutazione di cui al citato Regolamento sono i seguenti: [ebitda], [oneri finanziari] , [debito], [patrimonio netto], [perdite].

Il Legale Rappresentante dell’Impresa Beneficiaria autorizza il Soggetto Finanziatore a fornire a SACE copia del presente documento – redatto in doppio originale o, in alternativa, con inoltro di copia della PEC inviata al Soggetto Finanziatore con allegato il documento firmato digitalmente dall’Impresa Beneficiaria in caso di utilizzo di processi a distanza - dichiarando espressamente ed irrevocabilmente che tutte le informazioni, dichiarazioni ed attestazioni ed obblighi ivi indicati sono rilasciati anche a diretto beneficio di SACE, che pertanto potrà farvi pieno affidamento, ed obbligandosi altresì sin d’ora, (a) a rimborsare a SACE gli importi corrisposti al Soggetto Finanziatore in virtù della garanzia rilasciata e (b) a manlevare e tenere indenne SACE da ogni danno, spesa e onere che quest’ultima dovesse subire a causa dell’inesattezza o incompletezza di una o più delle dichiarazioni rese dalla stessa nella presente richiesta o della violazione degli obblighi assunti ai sensi del Contratto di Finanziamento.

Allega:

A - Autocertificazione Antimafia

[B - Documentazione a supporto del ruolo svolto dall’Impresa Beneficiaria rispetto alle aree e profili di cui all’art. 1, comma 7, del Decreto Legge 8 aprile 2020, n. 23][[5]](#footnote-6)

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*[FIRMA DEL LEGALE RAPPRESENTANTE O DI ALTRO SOGGETTO MUNITO DEI NECESSARI POTERI E, PER QUANTO DI COMPETENZA, DEL PRESIDENTE DEL COLLEGIO SINDACALE O EQUIVALENTE ORGANO DI CONTROLLO DELL’IMPRESA BENEFICIARIA]*

1. **Allegato 1 - Sub Allegato A - Autocertificazione Antimafia**

**MODELLO DI AUTOCERTIFICAZIONE**

***articoli 46 e 47 del decreto del Presidente della Repubblica 28 dicembre 2000, n. 445, recante “Testo unico delle disposizioni legislative e regolamentari in materia di documentazione amministrativa”***

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(***l’autocertificazione deve essere resa dai soggetti che sono sottoposti alla verifica antimafia ai sensi dell’art. 85 del decreto legislativo 6 settembre 2011, n. 159)***

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**consapevole delle sanzioni previste dall’art. 76, DPR n. 445/2000 (“*Disposizioni legislative in materia di documentazione amministrativa*”) in caso di dichiarazioni mendaci e della decadenza dai benefici conseguenti al provvedimento emanato sulla base di dichiarazioni non veritiere di cui all’art. 75, DPR n. 445/2000**

**DICHIARA SOTTO LA PROPRIA RESPONSABILITA’**

che, ai sensi della vigente normativa antimafia, nei propri confronti **non sussistono le** **cause di divieto, di decadenza o di sospensione previste dall’art. 67 del D.Lgs. n. 159/2011** (“*Codice delle leggi antimafia e delle misure di prevenzione, nonché nuove disposizioni in materia di documentazione antimafia*”) e di non essere a conoscenza dell'esistenza di tali cause nei confronti dei seguenti soggetti conviventi[[6]](#footnote-7):

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Il/la sottoscritto/a dichiara inoltre di essere informato/a, ai sensi della vigente normativa in materia di protezione di dati personali, che i dati raccolti saranno trattati, anche con strumenti informatici, esclusivamente nell’ambito del procedimento per il quale la presente dichiarazione viene resa.

ESTREMI DEL DOCUMENTO DI RICONOSCIMENTO

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 Il dichiarante

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Luogo e data

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**Il presente documento dovrà essere sottoscritto digitalmente.**

**Qualora non si disponga di firma digitale, il dichiarante sarà tenuto a sottoscrivere il presente documento con firma autografa e ad inviarne copia PDF allegando copia del proprio documento d’identità e Codice Fiscale.**

1. Bloccante se non in Italia. [↑](#footnote-ref-2)
2. Controllante di ultimo livello anche estera. [↑](#footnote-ref-3)
3. Codice fiscale non necessario qualora la capogruppo abbia sede all’estero. [↑](#footnote-ref-4)
4. A titolo esemplificativo, i dati certificati dal collegio sindacale o contenuti nel progetto di bilancio approvato dal consiglio di amministrazione dell’Impresa Beneficiaria. [↑](#footnote-ref-5)
5. Documentazione da produrre solo per operazioni in procedura ordinaria e quindi per Imprese Beneficiarie con più di 5.000 dipendenti in Italia o con valore del fatturato superiore a 1,5 miliardi di Euro e, comunque, in caso di importo del finanziamento maggiore o uguale a euro 375 mln. [↑](#footnote-ref-6)
6. Per “familiari conviventi” si intendono “chiunque conviva” con i soggetti di cui all’art. 85 (“*Soggetti sottoposti alla verifica antimafia*”) del D.Lgs 159/2011, purché maggiorenni e residenti nel territorio dello Stato italiano. [↑](#footnote-ref-7)