

4TH OF DECEMBER 2020

COVID-19 LIQUIDITY SUPPORT TO COMPANIES APOIAR PROGRAM

On November 24th, the ministerial order no 271-A/2020, which approved the APOIAR Program – which is subdivided into the categories APOIAR.PT and APOIAR RESTAURAÇÃO –, was published.

This program aims to support the liquidity of micro, small and medium-sized companies sited in mainland Portugal that have reported turnover reductions due to the impact of measures related with the COVID-19 pandemic.

1. APOIAR.PT

I – Application is possible for:

- Micro and small-sized enterprises in possession of Electronic Certification bestowed by IAPMEI, I.P. and whose business fits in the specific CAE¹;
- Which have not been subject to insolvency proceedings and thus are not beneficiaries of emergency or restructuring aid.

II – Additional requirements:

The applicants must:

- Have been legally incorporated until January 1st, 2020;
- Have an organised accounting system, in accordance with legal terms;
- Have positive equity at the date of December 31st, 2019, except for enterprises whose business initiated after January 1st, 2019;
- Declare and report the turnover decrease² to the Tax Authority through the *e-Fatura* system;
- Submit a statement signed by the certified accountant, responsible for the company's accounting that attests to the turnover decrease;
- Have their situation before the Tax Authority, Social Security and in what concerns replacements regarding the financing of the ESIF, duly settled.

¹ 45, 46, 46120, 46711, 46712, 47, 47300, 47783, 55, 56, 493, 50102, 50300, 771, 772, 773, 774, 79, 823, 93210, 93211, 93292, 93293, 93294, 93295, 90, 91, 581, 59, 60, 73, 741, 742, 855, 856, 86230, 93130, 93192, 95, 96.

² a minimum decrease of 25% in invoicing, in the first three quarters of 2020, compared to the same period of the previous year if they started their activity in 2019, or a minimum decrease of 25% of the average monthly invoicing in the first three quarters of 2020, compared to the monthly average of the activity period until 29 February 2020, considering only the complete calendar months.

2. APOIAR RESTAURAÇÃO

In this support category, the requirements of eligibility may suffer changes in the future.

I – Application is possible for:

- SMEs in possession of Electronic Certification bestowed by IAPMEI, I.P., sited in the municipalities affected by the decreed suspension of activities and whose activity fits in the CAE 56.
- SME's which have not been subject of insolvency proceedings, thus did not benefit from emergency and restructuring aids;
- Medium sized companies which do not fulfil the requirements for undertaking in difficulty as presented in Regulation (UE) no 651/2014.

II – Additional requirements:

Applicants must:

- Have been legally incorporated until March 1st, 2020;
- Have had their activity suspended during the relevant period for the calculation of the grant;
- Have an organised accounting system in accordance with legal terms;
- Have positive equity at the date of December 31st, 2019, except for enterprises whose business initiated after January 1st, 2019;
- Declare and report to the Tax Authority through the *e-factura* system the decrease of the average daily turnover during the period of suspension of activities³;
- Submit a statement signed by a certified accountant, responsible for the company's accounting, that attests the turnover decrease;
- Have their situation with the Tax Authority, Social Security and in what concerns replacements regarding the financing of the ESIF, dully settled.

Terms of APOIAR.PT and APOIAR RESTAURAÇÃO

The financial aid of both programs can be cumulated with each other and with other public aids.

These are awarded in the form of a non-reimbursable support and by order of submission of the applications that fulfil the admissibility and eligibility criteria.

³ Compared to the average daily turnover of the weekends during the period between January the 1st 2020 to October 31st 2020, or for companies incorporated in 2020, in the period of activity until October 31st 2020.

The funding corresponds to 20% of the value of the turnover decrease. In APOIAR.PT the aid is limited to a maximum of € 7.500 for micro-enterprises, and € 40.000 for small-sized enterprises, which can respectively be expanded to € 11.250 and € 60.000 if they fall under certain CAE⁴.

The decision to admit the application by the competent authority requires the acceptance of the candidate within 15 days after its notification, under penalty of expiration.

The beneficiaries of this program cannot cease their activity, distribute any profits or dividends, or initiate any proceedings of collective redundancy due to job extinction or unsuitability, during either the 60 days following the submission of the application and during the period of the concession of the grant.

This program lasts until June the 30th of 2021 or until its budgetary allocation expires.

PARES | Advogados is available to provide information on this and other subjects, suiting the information to the reality of each client, and being able to support its clients in any applications for the mentioned projects or in any other issues regarding the exceptional measures relating to the COVID-19 pandemic.

Teresa Malheiro Garcia
tmg@paresadvogados.com

Duarte Canotilho
dac@paresadvogados.com

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⁴ 56302, 56304, 56305, 93210, ou 93294