**ANNEX 1 – DECLARATION OF HONOUR ON EXCLUSION AND SELECTION CRITERIA**

**Declaration on honour on
exclusion criteria and selection criteria[[1]](#footnote-1)**

The undersigned, representing:

|  |  |
| --- | --- |
| (*only for natural persons*) himself or herself | (*only for legal persons*) the following legal person:  |
| ID or passport number:  | Full official name:Official legal form: Statutory registration number**:** Full official address: VAT registration number:  |

|  |
| --- |
| 1. declares whether the above-mentioned person is in one of the following situations or not:
 |
| **Situation of exclusion concerning the person** | YES | NO |
| 1. it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
 | ☐ | X |
| 1. it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
 | ☐ | X |
| 1. it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 |  |
| (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract; | ☐ | X |
| (ii) entering into agreement with other persons with the aim of distorting competition; | ☐ | X |
| (iii) violating intellectual property rights; | ☐ | X |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; | ☐ | X |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure***;***  | ☐ | X |
| 1. it has been established by a final judgement that the person is guilty of any of the following:
 |  |
| (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law and Article 1 of the Convention on the protection of the European Communities’ financial interests drawn up by the Council Act of 26 July 1995 | ☐ | X |
| (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector, as well as corruption as defined in the law of the country where the contracting authority is located, the country in which the economic operator is established or the country of the performance of the contract | ☐ | X |
| (iii) conduct related to a criminal organisation referred to in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime; | ☐ | X |
| (iv) money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (Text with EEA relevance) of the European Parliament and of the Council; | ☐ | X |
| (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism [89], respectively, or inciting or aiding or abetting or attempting to commit such offences, as referred to in Article 4 of that Framework Decision; | ☐ | X |
| (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA; | ☐ | X |
| 1. the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union’s budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
 | ☐ | X |
| 1. it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests;
 | ☐ | X |
| 1. for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
2. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
3. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
4. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
5. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
6. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.
 | ☐ | X |

|  |
| --- |
| 1. declares whether a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations or not:
 |
| **Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person** | YES | NO |
|  Situation (c) above (grave professional misconduct) | ☐ | X |
|  Situation (d) above (fraud, corruption or other criminal offence) | ☐ | X |
|  Situation (e) above (significant deficiencies in performance of a contract ) | ☐ | X |
|  Situation (f) above (irregularity) | ☐ | X |

|  |
| --- |
| 1. declares whether a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations or not:
 |
| **Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person** | YES | NO | N/A |
|  Situation (a) above (bankruptcy) | ☐ | X | ☐ |
|  Situation (b) above (breach in payment of taxes or social security contributions) | ☐ | X | ☐ |

|  |
| --- |
| 1. declares whether the above-mentioned person is in one of the following situations or not:
 |
| Grounds for rejection from this procedure | YES | NO |
| 1. has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;
 | ☐ | X |
| 1. has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;
 | X | ☐ |
| 1. acknowledges that the above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.
 | X |

**Remedial measures**

If the person declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which appropriately illustrates the remedial measures taken should be provided in annex to this declaration. This does not apply for the situations referred in point (d) of this declaration.

**Evidence upon request**

Upon request and within the time limit set by the contracting authority the person shall provide information on the persons that are members of the administrative, management or supervisory body, as well as the evidence concerning the person or the natural or legal persons which assume unlimited liability for the debt of the person:

|  |
| --- |
| 1. declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications:
 |
| **Selection criteria** | YES | NO |
| 1. It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in the tender dossier;
 | X | ☐ |
| 1. It fulfils the applicable economic and financial criteria indicated in the tender dossier;
 | X | ☐ |
| 1. It fulfils the applicable technical and professional criteria indicated in the tender dossier.
 | X | ☐ |
| 1. declares that the above-mentioned person will be able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay, if required.
 | X |

**<Signature of authorised representative of the legal entity >**

**< Name and position of authorised representative of the legal entity >**

**< Date >**

1. If tenderer is a consortium, Declaration on honour on exclusion criteria and selection criteria must be signed by all members of the consortium. [↑](#footnote-ref-1)