**Declaration of honor relating to exclusion criteria and selection criteria**

The undersigned [*insert name of person signing this form*]:

|  |  |
| --- | --- |
| (*for individuals only*) representing himself/herself | (*for legal entities only*) representing the following legal entity: |
| Identity card or passport number:  («the person») | Full official name:  Official legal form:  Legal registration number:  Full official address:  VAT Registration no:  («the person») |

The person is not obliged to submit the declaration of exclusion criteria if it has already been submitted for the purposes of another award procedure of the same contracting authority, if the situation has not changed and that the period of time that has elapsed since the date of the declaration does not exceed one year.

In such cases, the signatory declares that the person has already provided the same declaration relating to the exclusion criteria for the purposes of a previous procedure and confirms that there has been no change in his or her situation:

|  |  |
| --- | --- |
| **Date of declaration** | **Full reference of previous procedure** |
|  |  |

I – Situations of exclusion concerning the person

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| 1. Declares that the above-mentionned person is in one of the following situations : | YES | NO |
| 1. it is bankrupt or being wound up, its assets are being administered by a liquidator or placed under court administration, it has entered into an arrangement with creditors, it has suspended business activities, or is in any analogous situation arising from a similar procedure under Union or national law; |  |  |
| 1. it has been established by a final judgment or a final administrative decision that it has not complied with its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law; |  |  |
| 1. it has been established by a final judgment or a final administrative decision that he or she has committed a serious professional misconduct by having violated applicable legislative or regulatory provisions or ethical standards of the profession to which he or she belongs, or by having engaged in misconduct that affects his or her professional credibility, where such conduct denotes wrongful intent or gross negligence, including in particular any of the following conduct: |  | |
| i) fraudulent or negligent misrepresentation in providing information required to verify the absence of grounds for exclusion or compliance with eligibility or selection criteria, or in the performance of a contract or agreement, |  |  |
| ii) entering into an agreement with others with a view to distorting competition, |  |  |
| iii) infringement of intellectual property rights, |  |  |
| iv) attempt to influence the contracting authority's decision-making process during the award procedure, |  |  |
| v) attempt to obtain confidential information likely to give him an unfair advantage in the award procedure; |  |  |
| 1. it has been established by a final judgment that the person is guilty of one of the following acts: |  | |
| i) fraud within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, established by the Council Act of 26 July 1995, |  |  |
| ii) corruption within the meaning of Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of 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, established by the Council Act of 26 May 1997, or the acts referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in other applicable law, |  |  |
| iii) conduct linked to a criminal organization as referred to in Article 2 of Council Framework Decision 2008/841/JHA, |  |  |
| 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, |  |  |
| v) terrorist offences or offences connected with terrorist activities, as well as incitement to commit an offence, complicity or attempt to commit an offence, as defined in Articles 3 and 14 and Title III of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism; |  |  |
| vi) child labor or other offences related to trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; |  |  |
| 1. it has seriously failed to comply with essential obligations in the performance of a contract or agreement financed by the Union budget, which has led to the early termination of the contract or agreement or to the application of liquidated damages or other contractual penalties, or which has been discovered as a result of checks, audits or investigations carried out by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors; |  |  |
| 1. it has been established by a final judgment or a final administrative decision that it has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95; |  |  |
| 1. it has been established by a final judgment or a final administrative decision that it has created an entity in a different jurisdiction with the intention of evading tax, social security or any other legal obligations applicable in the territory where its registered office, central administration or principal place of business is located; |  |  |
| 1. (*for legal entities only*) it has been established by a final judgment or a final administrative decision that the person was created with the intention referred to in point g); |  |  |
| 1. declares that, for the situations referred to in points 1c) to 1h) above, in the absence of a final judgment or final administrative decision, the person: | YES | NO |
| 1. falls within the scope of facts established in the course of audits or investigations carried out by the European Public Prosecutor's Office, the Court of Auditors or the Internal Auditor, or of any other control, audit or verification carried out under the responsibility of an authorising officer of an EU institution, a European body or an EU agency or body; |  |  |
| 1. is the subject of non-final judgments or non-final administrative decisions, including, where applicable, disciplinary measures taken by the competent supervisory body responsible for verifying the application of professional ethics standards; |  |  |
| 1. falls within the scope of facts referred to in the decisions of entities or persons entrusted with the tasks of implementing the EU budget; |  |  |
| 1. is covered by information transmitted by Member States implementing Union funds; |  |  |
| 1. is the subject of Commission decisions concerning infringement of Union law in the field of competition or of decisions by a competent national authority concerning infringement of Union or national law in the field of competition; |  |  |
| 1. is informed, by any means, that it is the subject of an investigation by the European Anti-Fraud Office (OLAF), either because OLAF has given it the opportunity to present its observations on the facts concerning it, or because it has been the subject of on-the-spot checks carried out by the Office as part of an investigation, or because it has received notification of the opening or closing of an OLAF investigation concerning it or of any other element relating thereto. |  |  |

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS OR LEGAL ENTITIES WITH POWERS OF REPRESENTATION, DECISION-MAKING OR CONTROL WITH REGARD TO THE LEGAL ENTITY AND THE BENEFICIAL OWNERS

***Does not apply to natural persons, Member States and local authorities***

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares that a natural or legal 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-making or control in relation to the said legal person (i.e., for example, company directors, members of the management or supervisory bodies and natural or legal persons who individually hold the majority of shares), or a beneficial owner of the person (within the meaning of Article 3(6) of Directive (EU) 2015/849) is in one of the following situations: | YES | NO | NA |
| situation referred to in point 1) c) above (serious professional misconduct) |  |  |  |
| situation referred to in point 1) d) above (fraud, corruption or other criminal offence) |  |  |  |
| situation referred to in point 1) e) above (serious breaches of contract) |  |  |  |
| situation referred to in point 1) f) above (irregularity) |  |  |  |
| situation referred to in point 1) g) above (creation of an entity with the intention of evading legal obligations) |  |  |  |
| situation referred to in point 1) h) above (person created with the intention of evading legal obligations) |  |  |  |

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS OR LEGAL ENTITIES WHO ARE INDEFINITELY LIABLE FOR THE DEBTS OF THE LEGAL ENTITY

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares that a natural or legal person who is indefinitely liable for the debts of the above-mentioned legal entity is in one of the following situations [***If yes, please indicate the situation and the name(s) of the person(s) concerned, giving a brief explanation, in an annex to this declaration]:*** | YES | NO | NA |
| situation referred to in a) above (bankruptcy) |  |  |  |
| situation referred to in b) above (non-compliance with tax or social security payment obligations) |  |  |  |

IV - OTHER REASONS FOR REJECTING THE PRESENT PROCEDURE

|  |  |  |
| --- | --- | --- |
| 1. declares that the above-mentioned person: | YES | NO |
| has previously participated in the preparation of the contract documents used in the present award procedure, if this has resulted in a breach of the principle of equal treatment, in particular a distortion of competition which cannot otherwise be corrected. |  |  |

V – CORRECTIVE MEASURES

If it declares one of the above-mentioned exclusion situations, the person may indicate the corrective measures it has taken to remedy the exclusion situation, to enable the authorizing officer to determine whether these measures are sufficient to demonstrate its reliability. These may include, for example, technical, organizational and personnel measures taken to avoid any recurrence, compensation for damage or payment of fines or any tax or social security contributions. Relevant documentary evidence demonstrating the corrective measures taken must be annexed to this declaration. This provision does not apply to the situations referred to in point (1) (d) of this declaration.

VI – Receipt on request

On request and within the time limit set by the contracting authority, the person must provide information on the natural and legal persons who are members of the administrative, management or supervisory body or who have powers of representation, decision-making or control, including the natural and legal persons forming part of the ownership and control structure and the beneficial owners, together with appropriate evidence that none of these persons is in one of the situations of exclusion referred to in points 1) c) to 1) f).

It must also provide the following evidence concerning the person itself and the natural or legal person(s) on whose capacity the person intends to rely, and concerning the natural or legal person(s) who are indefinitely liable for the person's debts:

* for the situations mentioned in points 1) a), c), d), f), g) and h) above, a recent extract from the criminal record is required or, failing this, an equivalent document recently issued by a judicial or administrative authority in the person's country of establishment, showing that these requirements have been met;
* for the situations mentioned in points 1) a) and b) above, recent certificates issued by the competent authorities of the country of establishment. These documents must provide proof of payment of all taxes and social security contributions for which the person is liable, including VAT, income tax (individuals only), corporation tax (legal entities only) and social security contributions. Where a document referred to above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing this, a solemn declaration made before an administrative authority or qualified professional body in the country of establishment.

The person is not required to provide the supporting documents if they can be consulted free of charge in a national database.

The signatory declares that the Internet address of the database/identification data below provides access to the requested documents.

|  |  |
| --- | --- |
| Internet address of the database | Document identification data |
| *Insert as many line as necessary* |  |

VII – SELECTION CRITERIA

**Selection criteria applicable to all consortium members/subcontractors/capacity providers**

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares that the above-mentioned person satisfies the selection criteria applicable to him individually, as set out in the tender documents, namely: | OUI | NON | S.O. |
| 1. it has the legal and regulatory capacity to carry out the professional activity required to perform the contract, in accordance with the provisions of the contract notice/instructions to tenderers; |  |  |  |
| 1. it fulfils the applicable economic and financial criteria mentioned in the contract notice/additional information concerning the contract notice/instructions to tenderers; |  |  |  |
| 1. it complies with the applicable technical criteria set out in the contract notice/additional information concerning the contract notice/instructions to tenderers; |  |  |  |
| 1. it meets the applicable professional criteria set out in the contract notice/additional information on the contract notice/instructions to tenderers; |  |  |  |
| 1. it is not subject to any conflict of interest likely to prejudice the performance of the contract. |  |  |  |

**Selection criteria applicable to the bidder as a whole - overall evaluation (to be completed ONLY by single bidder or lead bidder in the case of a joint bid)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. if the above-mentioned person is **sole bidder** or **lead bidder** in the **case of a consortium**, declares: | YES | NO | NA | |
| 1. that the tenderer (including all members of the consortium in the case of a consortium, subcontractors and entities on whose capacity the tenderer intends to rely, where applicable) meets all the selection criteria for which an overall evaluation will be carried out in accordance with the tender documents; |  |  | |  |
| 1. is not subject to any conflict of interest likely to prejudice the performance of the contract. |  |  | |  |

In the case of a procedure with lots, the above statements apply to the lot(s) for which the request to participate/tender is submitted.

VIII – SUPPORTING DOCUMENTS FOR SELECTION PURPOSES

The signatory declares that the above-mentioned person can provide, on request and without delay, the necessary supporting documents listed in the relevant sections of the tender documents and which are not available in electronic form.

Where the supporting documents do not have to accompany the request to participate or the tender, the person is invited to prepare the documents relating to the supporting documents in advance, given that the contracting authority may request that they be provided within a reduced timeframe.

The tenderer is not obliged to provide the supporting documents if they can be consulted free of charge in a national database. In this case, the person must inform DCI of the method of consulting these documents.

The signatory declares that the Internet address of the database/identification data below provides access to the requested documents.

|  |  |
| --- | --- |
| Internet adress of database | Document identification data |
| *Insert as many lines as necessary* |  |

IX - DECLARATION OF HONOR RELATING TO A DEBT OWED TO THE UNION

**(to be completed ONLY by the sole bidder or by the lead bidder in the case of a joint bid)**

The person who, as sole bidder/leader in the case of a consortium, submits a request to participate/tender in the above-mentioned procedure, declares that:

|  |  |  |
| --- | --- | --- |
| the candidate/tenderer, including each member of the group in the case of a joint bid/subcontractors, | YES | NO |
| is not indebted to the Union. |  |  |

***The above-mentioned person must immediately inform the contracting authority of any change in the declared situation.***

***The above-mentioned person may be rejected from the present procedure and may be subject to administrative sanctions (exclusion or financial penalty) if it is established that false declarations have been made or false information has been provided in order to participate in the present procedure.***

Nom et prénoms Date Signature[[1]](#endnote-1)

1. *The declaration must be signed using:*

   *1. electronic signature (recommended option)*

   *If you have the option of signing the declaration using a qualified electronic signature (SEQ), please have it electronically signed by your authorized representative(s). Please note that only a qualified electronic signature (SEQ) within the meaning of Regulation (EU) No. 910/2014 (eIDAS Regulation) will be accepted.*

   *Before returning your electronically signed document, please check the signature and validity of the certificate using one of the following tools:*

   *- the DSS Demonstration validation tool available at https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation can help you check the validity of a certificate by indicating the number and type of valid signatures in a document;*

   *- the EU Trusted List Browser allows you to check whether the electronic signature provider and the trust service it provides are on the EU Trusted List: https://webgate.ec.europa.eu/tl-browser/#*

   *To ensure that you are using an eIDAS-compliant SEQ, you need to check that the service provider and the qualified certificate generation service used appear in the EU Trusted List Browser.*

   *1. handwritten signature*

   *If you are unable to sign the declaration using a qualified electronic signature (QES), please complete the declaration electronically, then print it out and have it signed and dated by your authorized representative(s) using a handwritten signature.* [↑](#endnote-ref-1)