# 

# Annex 2

FORMAL DECLARATION CONCERNING EXCLUSION CRITERIA

The undersigned,...........................................................................................................................................,

|  |  |
| --- | --- |
| *ID or passport number:* |  |

|  |  |  |
| --- | --- | --- |
| 1. ***declares whether or not he/she is in one of the following situations:*** | | |
| **Situation of exclusion concerning the person** | **Yes** | **No** |
| 1. he/she is bankrupt, subject to insolvency or winding-up proceedings, his/her assets are being administered by a liquidator or by the courts, he/she has entered into an arrangement with creditors, he/she has suspended business activities or is in any analogous situation arising from a similar procedure provided for under national legislation or regulations; |  |  |
| 1. it has been established by a final judgment or a final administrative decision that he/she is in breach of his/her obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which he/she is established, with those of the country in which the contracting authority is located or the country where the contract is to be performed; |  |  |
| 1. it has been established by a final judgment or a final administrative decision that he/she is guilty of grave professional misconduct by having violated laws or regulations or ethical standards of the profession to which he/she belongs, or by having engaged in any wrongful conduct which has an impact on their 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 the selection criteria or in the performance of a contract; |  |  |
| ii) entering into an agreement with other persons with the aim of distorting competition; |  |  |
| (iii) violating intellectual property rights; |  |  |
| iv) attempting to influence the decision-making process of the contracting authority during the award procedure; |  |  |
| v) attempting to obtain confidential information that may confer upon him/her undue advantages in the award procedure; |  |  |
| 1. it has been established by a final judgment that he/she is guilty of any of the following: | | |
| i) fraud, within the meaning of 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, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country in which the contracting authority is located, the country in which the candidate is established or the country in which the contract is to be performed; |  |  |
| iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; |  |  |
| iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; |  |  |
| v) terrorist offences or offences linked to terrorist activities, as defined in Article 1 and Article 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision; |  |  |
| 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; |  |  |
| 1. he/she 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; |  |  |
| 1. it has been determined by a final judgment or a final administrative decision that he/she has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95; |  |  |
| 1. as regards cases of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularities, the applicant has been subject to:   i) 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;  ii) non-final administrative decisions, which may include disciplinary measures taken by the competent supervisory body responsible for checking the application of standards of professional ethics;  (iii) decisions of the ECB, the EIB, the European Investment Fund or international organisations;  (iv) Commission decisions relating to the infringement of the Union’s competition rules or decisions of a competent national authority relating to the infringement of Union or national competition law; or  v) exclusion decisions taken by an authorising officer of an EU institution, a European office or an EU agency or body. |  |  |

|  |  |  |
| --- | --- | --- |
| 1. ***declares whether or not he/she is in one of the following situations:*** | | |
| **grounds for rejection from this procedure** | **Yes** | **No** |
| 1. he/she has not distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure. |  |  |
| 1. he/she has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure; |  |  |
| 1. ***he/she acknowledges that he/she 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.*** | | |

**remedial measures**

If the undersigned declares one of the situations of exclusion listed above, he/she should indicate the measures taken to remedy them, thus demonstrating his/her reliability. These may include for example 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 to the situations referred to in point (d) of this declaration.

**Evidence upon request**

The following supporting documents shall be provided upon request and within the time limit set by the Court of Auditors:

* For situations described in (a), (c), (d) or (f), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment showing that those requirements are satisfied.
* For situations described in (a) or (b), recent certificates issued by the competent authorities of the State concerned must be produced. These documents must provide proof of payment of all taxes and social security contributions for which the applicant is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or a notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in the country of establishment.

If he/she has already submitted such evidence for the purposes of another procedure, and provided that the documents in question were not issued more than one year previously and that they are still valid, the tenderer declares on his/her honour that the documentary evidence has already been provided and confirms that no changes have occurred in his/her situation.

Date:……………………………………………………..Place:………………………………………………………………………………….

Signature……………………………………………………………………………………………………………………………………………