



Declaration on honour on exclusion criteria, selection criteria and confirmatory statement of resources

Procedure reference / title:

The undersigned [*insert name of the signatory of this form*]
representing:

<i>(only for natural persons)</i> himself or herself	<i>(only for legal persons)</i> the following legal person:
ID or passport number:	Full official name:
	Official legal form:
	Statutory registration number:
	Full official address:
	VAT registration number:
('the person')	('the entity')

Submit the following declarations:

A. Declaration on honour on exclusion criteria

To be filled in by the tenderer

In case of a joint tender or subcontracting, to be completed separately for each member of the group and/or each subcontractor

I-SITUATION OF EXCLUSION CONCERNING THE PERSON OR ENTITY		
(1) declares whether the above-mentioned person or entity is in one or more of the following situations:	YES	NO
(a) 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 Union or national law;		



(b) it has been established by a final judgement or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
(c) it has been established by a final judgement or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity 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 eligibility or selection criteria or in the performance of a contract or an agreement;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons or entities with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) unduly influencing or attempting to unduly influence the decision making process to obtain Union funds by taking advantage, through misrepresentation, of a conflict of interests involving any financial actors or other persons referred to in Article 61(1) FR;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) incitement to discrimination, hatred or violence against a group of persons or a member of a group or similar activities that are contrary to the values on which the Union is founded enshrined in Article 2 TEU, where such misconduct has an impact on the person's integrity which negatively affects or concretely risks affecting the performance of a contract or an agreement;	<input type="checkbox"/>	<input type="checkbox"/>
(d) it has been established by a final judgement that the person or entity 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 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;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in 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, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in other applicable laws;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) conduct related to a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>



(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;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist offences or offences linked to terrorist activities, as defined in Articles 3 to 12 of Directive (EU) 2017/541 of the European Parliament and of the Council, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 14 of that Directive;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(e) it has shown significant deficiencies in complying with main obligations in the performance of a contract or an agreement 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 a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors, the Court of Auditors or the European Public Prosecutor's Office (EPPO);	<input type="checkbox"/>	<input type="checkbox"/>
(f) it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
(g) it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;	<input type="checkbox"/>	<input type="checkbox"/>
(h) (<i>only for legal persons</i>) it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (g).	<input type="checkbox"/>	<input type="checkbox"/>
(i) it has intentionally and without proper justification resisted an investigation, check or audit carried out by the contracting authority or its representative or auditor, OLAF, the EPPO, or the Court of Auditors. It shall be considered that the person resists an investigation, check or audit when it carries out actions with the goal or effect of preventing, hindering or delaying the conduct of any of the activities needed to perform the investigation, check or audit. Such actions include, in particular, refusing to grant the necessary access to its premises or any other areas used for business purposes, concealing or refusing to disclose information or providing false information.	<input type="checkbox"/>	<input type="checkbox"/>
(2) declares that, for the situations referred to in points (c) to (i) above, in the absence of a final judgement or a final administrative decision, the person or entity is ¹:		
i. subject to facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the Court of Auditors, OLAF, or the	<input type="checkbox"/>	<input type="checkbox"/>

¹ The declaration under this point (2) is voluntary and it cannot have adverse legal effect on the economic operator until the conditions of Article 143(1) (a) FR are met.



<p>internal auditor, 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;</p> <p>ii. subject to non-final judgments or 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;</p> <p>iii. subject to facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;</p> <p>iv. subject to information transmitted by Member States implementing Union funds, in particular facts and findings established in the context of a final judgment or final administrative decision at national level as to the presence of the exclusion situations referred to in points (c)(iv) or (d);</p> <p>v. subject to decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law;</p> <p>vi. informed, by any means, that it is subject to an investigation by the European Anti-Fraud office (OLAF): either because it has been given the opportunity to comment on facts concerning it by OLAF, or it has been subject to on-the-spot checks by OLAF in the course of an investigation, or it has been notified of the opening, the closure or of any circumstance related to an investigation of the OLAF concerning it.</p>		
--	--	--

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON

Not applicable to natural persons, Member States and local authorities.

In all other cases to be filled in by all involved entities

(2) The signatory 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 or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is in one of the following situations:	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (g) above (creation of an entity with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Situation (h) above (person created with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (i) above (intentionally and without proper justification resisted an investigation, check or audit)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON			
(3) declares that 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:	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE		
(4) The signatory declares that s/he or the entity s/he represents for the purpose of this declaration:	YES	NO
Was previously involved in the preparation of documents used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition, that cannot be remedied otherwise.	<input type="checkbox"/>	<input type="checkbox"/>

V – REMEDIAL MEASURES

If the person or entity declares one of the situations of exclusion listed above, it may indicate the measures it has taken to remedy the exclusion situation, in order to allow the authorising officer to determine whether such measures are sufficient to demonstrate its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions.

Without prejudice to the assessment of the authorising officer responsible, the person or entity shall submit remedial measures that have been assessed by an external independent auditor or have been considered sufficient by a decision of a national or Union authority. The relevant documentary evidence, which illustrates the remedial measures taken and their assessment must be provided in annex to this declaration. Remedial measures do not apply for situations referred in point (1) (d) of this declaration.

VI – EVIDENCE TO BE REQUESTED ONLY IN CASE OF CONTRACT AWARD

Upon request and within the time limit set by the contracting authority, the above-mentioned person or entity must provide the following evidence concerning the person or entity itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

- For situations described in (a), (c), (d) or (f), (g) and (h), a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in its country of establishment showing that those requirements are satisfied.
- For the situation described in point (a) (b), production of recent certificates issued by the competent authority of the country of establishment. These documents must provide evidence covering all taxes and social security contributions for which the person 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 of establishment, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

In specific cases, based on a risk assessment of the authorising officer, the entity might be asked to provide information/evidence on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

The person or entity is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure

The person is not required to submit the evidence if it can be accessed on a national database free of charge. The signatory declares that the following internet address of the database/identification data provide access to the evidence required.

Internet address of the database	Identification data of the document



B. Declaration on honour on selection criteria and independence on submitted tender

to be completed by the tenderer and in case of joint tender only by the leading partner

(5) if the above-mentioned person or entity is the <u>sole tenderer</u> or the <u>leader in case of joint tender</u> , declares that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable:	YES	NO
(a) fulfil(s) all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>
(b) has prepared the submitted tender in complete independence and autonomously from the other tenders submitted within the same procurement procedure.	<input type="checkbox"/>	<input type="checkbox"/>

I – EVIDENCE FOR SELECTION

The signatory declares that the above-mentioned person or entity is 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.

Where the evidence is not required to be provided with the request to participate/tender, the person is invited to prepare in advance the documents related to the evidence, since the contracting authority may request to provide these within a short deadline.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure

The person is not required to submit the evidence if it can be accessed on a national database free of charge. The signatory declares that the following internet address of the database/identification data provide access to the evidence required.

Internet address of the database	Identification data of the document
----------------------------------	-------------------------------------



--	--



C. Confirmatory statement of resources and professional conflicting interest

To be filled in by the tenderer

In case of a joint tender or subcontracting, to be completed separately for each member of the group and/or each subcontractor².

(6) declares that the above-mentioned person or entity:	YES	NO
(a) will provide the necessary resources for the performance of the contract.	<input type="checkbox"/>	<input type="checkbox"/>
(b) is not subject to conflicting interests which might negatively affect the contract performance.	<input type="checkbox"/>	<input type="checkbox"/>

<p>(7) declares, in addition to the declaration made under section C point 6(b), the absence of professional conflicting interest, by providing the following additional information³</p>	
<p>I. Is the objective of this call to evaluate/review/analyse the output of a project/research/consultancy activity in which the organisation has participated and contributed to at any time in the past?</p> <p><i>For example, a conflict of interest (CoI) may be found if your organisation carried out laboratory tests/studies (also on behalf of a third party) the results of which will be subject to assessment under this call for tenders for the development of its deliverables.</i></p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES. Please describe:</p>	
<p>II. Would the core business of the organisation be favourably or unfavourably impacted by the result/deliverable of the call for tender?</p> <p><i>For example, a CoI may be found for a consulting company that participates in a tender for the provision of a study commissioned to support an EU policy regulating that company's market, including the market of its main investors and clients.</i></p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES. Please describe:</p>	

² In case the subcontractor is a natural person, the completion of point 7 is not required.

³ Should the answer to one or more questions be 'YES', please provide the necessary information allowing EFSA to assess whether a professional conflicting interest actually exists. Please note that answering 'YES' to one of the questions above does not automatically entail the existence of a professional conflicting interest, but merely triggers a more in-depth analysis on the part of EFSA in light of the Financial Regulation and the principles set in the Decision of the Executive Director of the European Food Safety Authority on Competing Interest Management.



III. Does the organisation have significant financial investment in the market that is impacted by the results/deliverable of the call for tender?

For example, a CoI may be found for an organisation, holding significant financial shares in the natural cosmetics market, that participates in a tender the outcome of which is a study supporting a guidance on natural cosmetics.

☐ **NO**

☐ **YES.** Please describe:

IV. Is the organisation performing or has performed, at any time in the past, any assignment with another EU institution/body that risks conflicting with the performance of the present contract?

For example, a CoI may be found if your organisation has performed a project for another EU institution and the present call implies the evaluation of such project.

☐ **NO**

☐ **YES.** Please describe:

V. Does the organisation have ongoing or past, terminated within the past two years, consultancy activities performed for food/feed business operators covering the same scope of EFSA call?

For example, a CoI may be found if your organisation is currently performing a consultancy service for a food/feed economic operator on a specific food substance and the same consultancy service is the subject of the EFSA call.

☐ **NO**

☐ **YES.** Please describe:



The above-mentioned person or entity must immediately inform the contracting authority of any change in the situations as declared.

The above-mentioned person or entity 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.

Signature below refers to the three sections A, B (where applicable), C (where applicable) in this document.

Full name

Date

Signature

The declaration is to be signed with:

1. Electronic signature (recommended option):

In case you have the possibility to sign the declaration using a qualified electronic signature (QES), please have it signed electronically by your authorised representative(s). Please note that only the qualified electronic signature (QES) within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted.

Before sending back your electronically signed document, please check the signature and validity of the certificate with one of the following tools:

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.

EU Trusted List Browser can be consulted in order to check whether the electronic signature provider and the trust service it provides are part of European Union Trusted List: <https://esignature.ec.europa.eu/efda/tl-browser/#/screen/home>

To make sure you use a QES compliant to eIDAS Regulation, you need to check that both the service provider and the qualified certificate generation service used are included in the EU Trusted List Browser.

2. Handwritten signature:

In case you do not have the possibility to sign the declaration using a qualified electronic signature (QES), please fill it in electronically, then print it and have it signed and dated by your authorised representative(s) using a hand-written signature