

Annex 4 - Declaration on honour on exclusion criteria

to be submitted separately by the applicant (coordinator) and by each member of consortium (partner)

The undersigned [*insert name of the signatory of this form*], representing the following legal person:

Full official name:
Official legal form:
Statutory registration number:
Full official address:
VAT registration number:

(the legal person above is hereinafter referred to as '**the person**')

- 1) declares that the person is fully eligible in accordance with the criteria set out in the specific call for proposals.
- 2) declares that the person **has not** received any other Union funding to carry out the action subject of this grant application and commits to declare immediately to the Authority any other such Union funding it would receive until the end of the action.

SITUATIONS OF EXCLUSION CONCERNING THE PERSON:

- 3) declares that the person **is not** in one of the following situations which would exclude it from receiving Union grants:
 - a) 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;
 - b) 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 authorising officer is located or those of the country of the performance of the grant agreement;
 - c) 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 applicant 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, a grant agreement or a grant decision;
- (ii) entering into 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 Authority during the award procedure;
 - (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- d) has been established by a final judgement that the person is guilty of the following:
- (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up 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 where the authorising officer is located, the country in which the applicant is established or the country of the performance of the contract;
 - (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-related offences or offences linked to terrorist activities, as defined in Articles 1 and 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;
- e) has shown significant deficiencies in complying with the main obligations in the performance of a contract, a grant agreement or a grant decision 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;
- f) 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;
- g) has been established by a final judgment or final administrative decision that the person has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations of mandatory application in the jurisdiction of its registered office, central administration or principal place of business;
- h) has been established by a final judgment or final administrative decision that the person has been created with the intent referred to in point (g);



- i) for the situations under c) to h), the person is 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 the verification of the application of standards of professional ethics;
 - (iii) decisions of the ECB, the EIB, the European Investment Fund or international organisations;
 - (iv) 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;
 - (v) 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.

SITUATIONS OF EXCLUSION CONCERNING BENEFICIAL OWNERS AND NATURAL OR LEGAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE PERSON ¹:

- 4) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the person(s), or who has powers of representation, decision or control with regard to the person(s) (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(s) (as defined by point 6 of article 3 of Directive (EU) No 2015/849) **is not** in one of the exclusion situations listed in points (c) (d) (e) (f) (g) or (h) above.

SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE PERSON:

- 5) declares that a natural or legal person that assumes unlimited liability for the debts of the person **is not** in one of the exclusion situations listed in points (a) or (b) above.

OTHER GROUNDS FOR REJECTION FROM THIS PROCEDURE

- 6) declares that the person s/he represents for the purpose of this declaration **was not** previously involved in the preparation of documents used in this award procedure, where

¹ Not applicable to applicant/partner which are natural persons, Member States and local authorities



this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.

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. This 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 illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

EVIDENCE UPON EFSA'S REQUEST ONLY:

Upon request only and within the time limit set by the Authority, the person 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, and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d), (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) and (b), production of recent certificates issued by the competent authorities of the State concerned are required. 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 concerned, 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.

If the person already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.



Document	Full reference to previous procedure
<p><i>Insert as many lines as necessary.</i></p>	

The person must immediately inform the EFSA of any changes in the situations as declared.

The person subject to this declaration may be subject to rejection from this procedure and to administrative sanctions (exclusion) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

Full name

Date

Signature

Your reply to the grant application will involve the recording and processing of personal data (such as your name, address and CV), which will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions in this form and any personal data requested are required to assess your grant application in accordance with the specifications of the call for proposals and will be processed solely for that purpose by EFSA. Details concerning the processing of your personal data are available on the privacy statement at the page: <http://www.efsa.europa.eu/en/procurement/docs/procurementprivacystatement.pdf>

Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Articles 136 to 140 of the Financial Regulation². For more information see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE

² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.