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IPA Greece – Albania

DIVE IN ART

Declaration on honour on exclusion criteria and selection criteria

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

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

A. DECLARATION ON HONOUR ON EXCLUSION CRITERIA

The person is not required to fill in this Part A of the declaration (Declaration on honour on exclusion criteria) if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority, provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

Date of the declaration	Full reference to previous procedure

I – SITUATIONS OF EXCLUSION CONCERNING THE PERSON

(to be filled in by all involved entities[1])

[1] An **"involved entity**" is each economic operator involved in the request to participate/tender. This includes the following four categories of economic operators:
- ✓ sole candidate/tenderer;
- ✓ group members (including group leader) in case of a joint request to participate/tender (consortium);
- ✓ identified subcontractors; and
- ✓ other entities (that are not subcontractors) on whose capacity the candidate/tenderer relies to fulfil the selection criteria.

(1) declares that the person is in one 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 is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	☐	☐
(c) 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 eligibility or selection criteria or in the performance of a contract or an agreement;	☐	☐
(ii) entering into agreement with other persons with the aim of distorting competition;	☐	☐
(iii) violating intellectual property rights;	☐	☐
(iv) unduly influence or attempting to unduly influence the decision-making process to obtain Union funds by taking advantage, through misrepresentation, of a conflict of interest involving any financial actors or other persons referred to in Article 61(1) of the EU Financial Regulation;	☐	☐
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	☐	☐
(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 or entity's integrity which negatively affects or concretely risks affecting the performance of the legal commitment;	☐	☐
(d) 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 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;	☐	☐
(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;	☐	☐
(iii)	conduct related to a criminal organisation, 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 related to terrorist activities, as defined in Articles 3 to 12 of Directive 2017/541 of the European Parliament and of the Council, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 14 of that Directive;	☐	☐
(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;	☐	☐
(e)	it has shown significant deficiencies in complying with the 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), the Court of Auditors or the EPPO;	☐	☐
(f)	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;	☐	☐
(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 including those related to working rights, employment and labour conditions, in the jurisdiction of its registered office, central administration or principal place of business;.	☐	☐
(h)	(*only for legal persons*) it has been established by a final judgment or final administrative decision that the person has been created with the intent	☐	☐

provided for in point (g).		
(i) the entity or person has intentionally and without proper justification resisted an investigation, check or audit carried out by an authorising officer or its representative or auditor, OLAF, the EPPO, or the Court of Auditors. It shall be considered that the person or entity 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 shall 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.	☐	☐
(2) declares that, for the situations referred to in points (1) (c) to (1) (i) above, in the absence of a final judgement or a final administrative decision, the person is[2]:	YES	NO
(i) subject to facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office, the Court of Auditors, or the 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;	☐	☐
(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;	☐	☐
(iii) subject to facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;	☐	☐
(iv) subject to information transmitted by Member States implementing Union funds;	☐	☐
(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;	☐	☐
(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.	☐	☐

[2] 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) Financial Regulation are met.

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

Not applicable when 'the person' is a natural person, a Member State or a local authority. In all other cases to be filled in by all involved entities[1].

(3) 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 (1)(c) above (grave professional misconduct)	☐	☐	☐
Situation (1)(d) above (fraud, corruption or other criminal offence)	☐	☐	☐
Situation (1)(e) above (significant deficiencies in performance of a contract)	☐	☐	☐
Situation (1)(f) above (irregularity)	☐	☐	☐
Situation (1)(g) above (creation of an entity with the intent to circumvent legal obligations)	☐	☐	☐
Situation (1)(h) above (person created with the intent to circumvent legal obligations)	☐	☐	☐

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

Not applicable when 'the person' is a natural person, a Member State, a local authority or legal persons with limited liability. In all other cases to be filled in by all involved entities[1].

(4) 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 [***If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person(s) with a brief explanation***]:	YES	NO	N/A
Situation (a) above (bankruptcy)	☐	☐	☐

Situation (b) above (breach in payment of taxes or social security contributions)	☐	☐	☐

IV – OTHER GROUNDS FOR REJECTION FROM THIS PROCEDURE

(to be filled in individually by the sole candidate/tenderer or all members in case of a joint request to participate/tender (consortium))

(5) declares that the above-mentioned person:	YES	NO
(a) Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	☐	☐
(b) Has professional conflicting interests which may negatively affect the performance of the contract in accordance with point 20.6 of Annex I of the EU Financial Regulation.	☐	☐
(c) Is the addressee of a decision prohibiting the award of the contract for having received foreign subsidies distorting the internal market adopted by the Commission.	☐	☐

V – REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it may indicate remedial 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. The person or entity shall submit remedial measures that have been assessed by an external independent auditor or be considered sufficient by a decision of a national or Union authority. This is without prejudice to the assessment of the panel referred to in Article 145 of the EU Financial Regulation. 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. 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 (1)(d) of this declaration.

VI–EVIDENCE ON EXCLUSION CRITERIA

The tender documents set out in detail which involved entities must provide the appropriate evidence to prove that they are not in an exclusion situation referred to in (1) and when the evidence needs to be provided.

The following could serve as evidence:

- For situations described in (1): (a), (c), (d), (f), (g) and (h) above, 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 of the person showing that those requirements are satisfied.
- For the situation described in point (1) (a), (b), production of recent certificates issued by the competent authorities 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 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.

The person 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
Insert as many lines as necessary.	

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
Insert as many lines as necessary.	

B. DECLARATION ON HONOUR ON SELECTION CRITERIA

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

I – SELECTION CRITERIA

Selection criteria applicable to the candidate/tenderer as a whole- Consolidated assessment

(to be filled in ONLY by the sole candidate/tenderer or the group leader in case of a joint request to participate/tender (consortium))

The person, being a sole candidate/tenderer/the group leader of in case of a joint request to participate/tender (consortium), submitting a request to participate/tender for the above procedure

(6) declares that the candidate/tenderer, including all members of the group in case of a joint request to participate/tender (consortium), subcontractors and entities on whose capacity the candidate/tenderer intends to rely if applicable:	YES	NO	N/A
(a) fulfils all the selection criteria for which a consolidated assessment will be made as provided in the tender documents.	☐	☐	☐

II - SELECTION CRITERIA –PROFESSIONAL CONFLICTING INTERESTS

(to be filled in by all involved entities)

The person, being a sole candidate/tenderer/ a member of a joint request to participate/tender (consortium)/a subcontractor/ an entity on whose capacity a candidate/tenderer relies to fulfil the selection criteria, submitting/participating in a request to participate/tender for the above procedure:

(7) declares that the person	YES	NO
(a) is subject to conflicting interests which may negatively affect the contract performance.	☐	☐

VIII – EVIDENCE ON SELECTION CRITERIA

The tender documents set out in detail the evidence and the time frame within which involved entities must provide it in order to prove that the candidate/tenderer fulfils the selection criteria.

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 will request the presumed successful tenderer to provide such evidence 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 and the documents are still up-to-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
Insert as many lines as necessary.	

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
Insert as many lines as necessary.	

C. DECLARATION ON HONOUR ON ESTABLISHED DEBT TO THE UNION

(to be filled in by the sole candidate/tenderer or each group member in case of a joint request to participate/tender (consortium))

The person, being a sole candidate/tenderer/a member in case of a joint request to participate/tender (consortium), submitting a request to participate/tender for the above procedure:

(8) declares that the person,	YES	NO
(a) has an established debt to the Union, European Atomic Energy Community or an executive agency when the latter implements the Union budget.	☐	☐

D. DECLARATION ON HONOUR ON SUBMITTED TENDER

(to be filled in individually by the sole candidate/ tenderer, or the group leader in case of a joint request to participate/tender (consortium))

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

(9) declares that the person:	YES	NO
(a) has prepared the submitted tender in complete independence and autonomously from the other tenders submitted within the same procurement procedure.	☐	☐

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

The 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.

Full name Date Signature[3]

[3] *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.