**ANNEX 2 to the Terms of Reference**

**DECLARATION ON EXCLUSION CRITERIA**

The undersigned *[name of the signatory of this form, to be completed]*:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in his/her own name *(if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator[[1]](#footnote-1))*

or

representing *(if the economic operator is a legal person)*

official name in full *(only for legal person)*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

official legal form *(only for legal person)*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

official address in full: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

VAT registration number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

declares that  the company or organisation that he/she represents /  he/she:

1. is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
2. has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
3. has not been guilty of grave professional misconduct proven by any means which the EEA can justify;
4. has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country where the EEA is established and those of the country where the contract is to be performed;
5. has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Unions’ financial interests;
6. is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the EEA as a condition of participation in the award procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

In addition, the undersigned declares on their honour:

g) they have no conflict of interest in connection with the framework partnership agreement; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;

h) they will inform the EEA, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;

i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the framework partnership agreement;

j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the framework partnership agreement;

k) that the information provided to the EEA within the context of this invitation to submit proposals is accurate, sincere and complete;

l) that in case of award of the framework partnership agreement, they shall provide the evidence that they are not in any of the situations described in points a, b, d, e above.

For situations described in (a), (b) and (e), production of a recent extract from judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the partner is a legal person and the national legislation of the country in which the partner is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the partner.

For the situation described in point (d) above, recent certificates or letters 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 partner is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

Furthermore, the undersigned acknowledges that  the company or organisation that he/she represents /  he/ she may be subject to administrative and financial penalties[[2]](#footnote-2) if any of the declarations or information provided prove to be false.

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under Article 145 of the rules of application of Regulation (EU,Euratom) No 966/2012 of the European Parliament and of the Council of 25.10.2012 on the financial rules applicable to the general budget of the Union and repealing Regulation (EC, Euratom) No 1605/2002, which may be applied if any of the declarations or information provided prove to be false.

Full name Date Signature

1. To be used depending on the national legislation of the country in which the applicant is established and where considered necessary by the Agency (see art. 143(4) of the rules of application of the Financial Rules). [↑](#footnote-ref-1)
2. As provided for in Article 109 of the Financial Rules applicable to the general budget of the European Union, Regulation (EU, Euratom) No 966/2012 and Article 145 of their rules of application, Commission Delegated Regulation (EU) No 1268/2012

   Version 8.1.2014 [↑](#footnote-ref-2)