

Document 3: Declaration on honour

DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA

Document within the framework of SIRCLES project.

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’)

I – SITUATION OF EXCLUSION CONCERNING THE PERSON

declares that the above-mentioned person is in one of the following situations:	YES	NO
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 national legislation or regulations;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by		

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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 selection criteria or in the performance of a contract;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
it has been established by a final judgement that the person is guilty of the following:		
(i) fraud, within the meaning of Artículo 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 checked="" type="checkbox"/>
(ii) corruption, as defined in Artículo 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 Artículo 2(1) of Council Framework Decision 2003/568/JHA, as well as defined in Artículo 14 of the General Conditions of the Financing Agreement for ENI CBC between Spain and the European Commission in the legal provisions of Spain;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) participation in a criminal organisation, as defined in Artículo 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) money laundering or other financing, as defined in Artículo 1 of Directive 2005/60/EC of the European Parliament and of the Council;	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(v) activities, as defined in Artículos 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 Artículo 4 of that Decision;	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<p>(vi) child labour or other forms of trafficking in human beings as defined in Artículo 2 of Directive 2011/36/EU of the European Parliament and of the Council;</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget or by the public budget of Spain, 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 the national competent authorities, the Delegation of the European Union in Spain, any Managing Authority of ENPI CBC or ENI CBC, Audit Authorities of ENI CBC, the European Commission, OLAF or the European Court of Auditors;</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Artículo 1(2) of Council Regulation (EC, Euratom) No 2988/95;</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant accepts to be subject to:</p> <p>facts established in the context of audits or investigations carried out by the European Court of Auditors, OLAF, or any other check, audit or control performed under the responsibility of an authorising officer of the European Commission, Managing Authority or Audit Authority, the competent national authorities or any other competent body;</p> <p>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>decisions of the Managing Authority, the National Authority (identified in the Financing Agreement for ENI CBC programmes between the European Commission and Spain or the European Commission relating to the infringement of the competition rules stipulated in the Association Agreement between the European Union and Spain and the Framework Agreement between the European Union and Belarus or of a national competent authority relating to the infringement of national competition law; or decisions of exclusion by an authorising officer of the contracting authority.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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declares that a natural 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 company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations:	YES	NO
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE

declares that the above-mentioned person:	YES	NO
has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V – REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it must indicate 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.

VI – EVIDENCE UPON REQUEST



Upon request and within the time limit set by the Contracting Authority the person must provide information on the persons that are members of the administrative, management or supervisory body. It must also provide the following evidence concerning the person itself 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), 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 (a) or (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.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. 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
<i>Insert as many lines as necessary.</i>	

VII – SELECTION CRITERIA

declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:	YES	NO
It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section <i>[insert]</i> of the tender specifications;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
It fulfills the applicable economic and financial criteria indicated in	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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section [insert] of the tender specifications;		
It fulfills the applicable technical and professional criteria indicated in section [insert] of the tender specifications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the above-mentioned person is the sole tenderer or the leader in case of joint tender, declares that:	YES	NO
the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VII – EVIDENCE FOR SELECTION

The signatory declares that the above-mentioned person 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.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. 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
<i>Insert as many lines as necessary.</i>	

The above-mentioned 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