



## Annex II - Declaration on honour on exclusion criteria and selection criteria

### Procedure title: Call for Expressions of Interest for EU Space Information Sharing and Analysis Centre (ISAC)

#### *[Option 1 for legal persons]*

The undersigned *[insert name and surname 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:

Referred to below as **‘the person’**

#### *[Option 2 for natural persons]*

The undersigned *[insert name and surname of the signatory of this form]*, with ID or passport number *[insert number]*, representing himself or herself:

Referred to below as **‘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 procedure of the same contracting authority<sup>1</sup>, 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 |
|-------------------------|--------------------------------------|
|                         |                                      |

<sup>1</sup> The same EU institution, agency, body or office.

## I – SITUATIONS OF EXCLUSION CONCERNING THE PERSON

| (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;   | <input type="checkbox"/> | <input type="checkbox"/> |
| (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;  | <input type="checkbox"/> | <input type="checkbox"/> |
| (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;   | <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) attempting to influence the decision-making process of the contracting authority during the award procedure;   | <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"/> |
| (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;   | <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 referred to 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 related to terrorist activities as well as of inciting, aiding, abetting or attempting to commit such offences as defined in Articles 3, 14 and Title III of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism;   | <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 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) or the Court of Auditors; | <input type="checkbox"/> | <input type="checkbox"/> |
| (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;  | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) it 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 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 the person has been created with the intent referred to in point (g).  | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) declares that, for the situations referred to in points (1) (c) to (1) (h) above, in the absence of a final judgement or a final administrative decision, the person is <sup>2</sup> :   | 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;  | <input type="checkbox"/> | <input type="checkbox"/> |
| 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;  | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. subject to facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;   | <input type="checkbox"/> | <input type="checkbox"/> |
| iv. subject to information transmitted by Member States implementing Union funds;  | <input type="checkbox"/> | <input type="checkbox"/> |
| 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;  | <input type="checkbox"/> | <input type="checkbox"/> |

<sup>2</sup> The declaration under this point (2) is voluntary and it cannot have adverse legal effect on the economic operator until the conditions of Article 141(1) (a) FR are met.

|  |                          |                          |
|--|--------------------------|--------------------------|
| 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. | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|

**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.**

| (3) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the person, or who has powers of representation, decision or control with regard to the 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 defined by 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)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (1)(d) above (fraud, corruption or other criminal offence)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (1)(e) above (significant deficiencies in performance of a contract )  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (1)(f) above (irregularity)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (1)(g) above (creation of an entity with the intent to circumvent legal obligations)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (1)(h) above (person created with the intent to circumvent legal obligations)  | <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

**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.**

| (4) declares that a natural or legal person that assumes unlimited liability for the debts of the 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"/> |

### 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. 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 specifications 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 evidence could serve as evidence:

- For situations described in points (1): (a), (c), (d), (f), (g) and (h) above, a recent extract from the judicial record 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 situations described in point (1) (a), (b), recent certificates issued by the competent authorities of the 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.

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority<sup>3</sup>. The documents must have been issued no

<sup>3</sup> The same EU institution, agency, body or office.



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 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 |
|---|-------------------------------------|
| <i>Insert as many lines as necessary.</i> |                                     |

***The person must immediately inform the European Commission and EUSPA 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:

*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.*