**GSA/OP/24/20**

**"communication SERVICES"**

**ANNEX I.B – TEMPLATE DECLARATION OF HONOUR**

The undersigned \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_representing the

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| (*only for natural persons*) himself or herself | (*only for legal persons*) the following legal person:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| ID or passport number: | Full official name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Official legal form: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Statutory registration number**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  Full official address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  VAT registration number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| hereinafter referred to as “Participant[[1]](#footnote-1)”) | |

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| 1. declares[[2]](#footnote-2) whether the above-mentioned Participant is in one of the following situations or not: | | |
| **Situation of exclusion concerning the Participant** | YES | NO |
| 1. 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; |  |  |
| 1. it has been established by a final judgement or a final administrative decision that the Participant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law; |  |  |
| 1. it has been established by a final judgement or a final administrative decision that the Participant is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the Participant belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibity 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 implementation of the contract/grant agreement;  (ii) entering into agreement with other persons or entities with the aim of distorting competition;  (iii) violating intellectual property rights;  (iv) attempting to influence the decision-making process of the authorising officer responsible during the award procedure;  (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure; |  |  |
| 1. it has been established by a final judgement that the Participant is guilty of any of the following: |  | |
| (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council 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 defined 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 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 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; |  |  |
| 1. it has shown significant deficiencies in complying with main obligations in the implementation of a contract/grant agreement financed by the budget, which has: |  |  |
| 1. led to the early termination of a contract/grant agreement; |  |  |
| 1. led to the application of liquidated damages or other contractual penalties; or |  |  |
| 1. been discovered by an authorising officer, OLAF or the Court of Auditors following checks, audits or investigations; |  |  |
| 1. it has been established by a final judgment or final administrative decision that the Participant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95; |  |  |
| 1. 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 in the jurisdiction of its registered office, central administration or principal place of business; |  |  |
| 1. it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (g). |  |  |
| In the absence of a final judgement or final administrative decision in the cases referred to in points c), d), f), g) and h) above, or in the case referred to in point (e) the Participant in particular is subject to:   1. facts established in the context of audits or investigations carried out by the Court of Auditors, EPPO, 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; 2. 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; 3. decisions of the ECB, the EIB, the European Investment Fund or international organisations; 4. 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. 5. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.   according to of Article 136 of the Financial Regulation. |  |  |

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| 1. declares whether a natural or legal person who is a member of the administrative, management or supervisory body of the Participant, or who has powers of representation, decision or control with regard to that Participant is in one or more of the following situations or not: | | | | | |
| **Situations of exclusion concerning persons with powers of representation, decision or control over the Participant** | YES | | NO | | | |
| Situation (c) above (grave professional misconduct) |  | |  | | | |
| Situation (d) above (fraud, corruption or other criminal offence) |  | |  | | | |
| Situation (e) above (significant deficiencies in performance of a contract ) |  | |  | | | |
| Situation (f) above (irregularity) |  | |  | | | |
| Situation (g) above (circumvention of legal obligations) |  | |  | | | |
| Situation (h) above (creation to circumvent) |  | |  | | | |
| 1. declares whether beneficial owner(s) (as defined in Article 3(6) of Directive (EU) 2015/849) of the Participant is in one or more of the following situations or not [(if yes, please indicate the name of the concerned beneficial owner(s) if any in annex to this declaration): | | | | | |
| **Situations of exclusion concerning beneficial owners** | YES | | NO | | | |
| Situation (c) above (grave professional misconduct) |  | |  | | | |
| Situation (d) above (fraud, corruption or other criminal offence) |  | |  | | | |
| Situation (e) above (significant deficiencies in performance of a contract/grant agreement) |  | |  | | | |
| Situation (f) above (irregularity) |  | |  | | | |
| Situation (g) above (circumvention of legal obligations) |  | |  | | | |
| Situation (h) above (creation to circumvent) |  | |  | | | |
| 1. declares whether a natural or legal person that assumes unlimited liability for the debts of the Participant[s] is in one or more of the following situations or not: | | | | | |
| **Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the Participant** | YES | NO | | | Not applicable | | |
| Situation (a) above (bankruptcy) |  |  | | |  | | |
| Situation (b) above (breach in payment of taxes or social security contributions) |  |  | | |  | | |
| 1. declares whether 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 or more of the following situations or not: | | | | | |
|  | YES | | | NO | | |
| Situation (c) above (grave professional misconduct) |  | | |  | | |
| Situation (d) above (fraud, corruption or other criminal offence) |  | | |  | | |
| Situation (e) above (significant deficiencies in performance of a contract) |  | | |  | | |
| Situation (f) above (irregularity) |  | | |  | | |
| Situation (g) above (circumvention of legal obligations) |  | | |  | | |
| Situation (h) above (creation to circumvent) |  | | |  | | |
| 1. declares whether the Participant: | | | | | |
| **Grounds for rejection from this procedure** | YES | | | NO | | |
| 1. confirms that it has provided accurate, sincere and complete information to the Agency within the context of this procurement procedure; |  | | |  | | |
| 1. confirms that it has not distorted competition by being previously involved in the preparation of documents used in this procurement procedure |  | | |  | | |
| 1. acknowledges that the Participants(s) may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penaly) if any of the declarations or information provided as a condition for participating in this procedure prove to be false. |  | | |  | | |

**Remedial measures**

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

**Evidence to be presented**

The successful Participant (subcontractors including[[3]](#footnote-3)) shall provide within the time limit set by the Agency following evidences for complinace with the exclusion criteria:

For situations described in (a), (c), (d), (f), (g) and (h), 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 Participant showing that those requirements are satisfied.

For the situation described in point (a) and (b), recent certificates issued by the competent authorities of the country of establishment. Where such types of certificates are 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.

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

If the evidence are accessible free of charge on a national database, the Participant shall provide the Agency with all the necessary information to access such databases.

**Evidence upon request**

Upon request and within the time limit set by the Agency the Participant shall provide information on the natural or legal persons that are members of the administrative, management or supervisory body, or that have powers of representation, decision or control with regard to the Participant, on the beneficial owners of the Participant, as well as the following evidence concerning the natural or legal persons which assume unlimited liability for the debt of the Participant:

For situations described in (a), (c), (d), (f), (g) and (h), 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 Participant 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 country of establishment. Where such types of certificates are 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.

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

If the evidence are accessible free of charge on a national database, the Participant shall provide the Agency with all the necessary information to access such databases.

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| 1. Declares that the above-mentioned Participant: | | | |
| **Selection criteria** | YES | NO |
| 1. fulfills the applicable economic and financial criteria indicated in Section 4.2.2 of tender specifications; |  |  |
| 1. has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in Section 4.2.1 of tenders specifications. |  |  |
| 1. fulfills the applicable technical and professional criteria indicated in Section 4.2.3 of tender specifications. |  |  |
| **MINIMUM REQUIREMENTS** |  |  |
| 1. provided a tender compliant with the minimum requirements indicated in Section 4.3.1 of tender specifications; |  |  |

Full name Date Signature

1. DoH are to be submitted by the tenderer (single tenderer / each member of consortia) / subcontractors as indicated in the tender specifications [↑](#footnote-ref-1)
2. All declarations shall be interpreted in line with Articles 136, 137 and 141 of Regulation (EU, Euratom) 2018/1064 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 (OJ L193, 30.07.2018, p.1) (hereinafter the ‘Financial Regulation’). [↑](#footnote-ref-2)
3. to the extent defined in the tender specifications [↑](#footnote-ref-3)