

Declaration of honour with respect to The exclusion criteria and absence of conflict of interest

**Request for Specific Services N° Chafea/2015/Health/40
for the implementation of Framework Contract DIGIT/R2/PO/2013/004 ABC III lot 2
"High level consultancy and studies"**

The declaration of honour should be signed by all members of the team and by additional subcontractors.

One signed original of this form must be submitted. Please do not change the template.

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 operator¹*)
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:

- a) 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;
- b) he/she or persons having powers of representation, decision-making or control over him/her have not been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authority can justify including by decisions of the EIB and international organisation;

¹ To be used depending on the national legislation of the country in which the candidate or tenderer is established and where considered necessary by the contracting authority (see Article 143(4) of the Rules of Application).

- d) she/he is in compliance with his/her obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which it is established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) she/he or persons having powers of representation, decision-making or control over him/her have not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests;
- f) is not subject to an administrative penalty referred to in Article 109(1) of the Financial Regulation.

In addition, the undersigned declares on their honour:

- g) they have no conflict of interest in connection with the contract; Article II.3 of the framework contract applies: conflict of interest could arise in particular as a result of economic interest, political or national affinity, family or emotional ties, or any other relevant connection or shared interest; ;
- h) they have no professional conflict of interest as described in point 7 of the technical specifications. A conflict of interest will be assumed :
 - if the contractor and/or the subcontractor is a stakeholder directly active in the tobacco sector (e.g. manufacturing or distribution);
 - if the contractor and/or subcontractor is a stakeholder with vested interests in the area of the tender (in particular because they are a provider of tracking and tracing solutions or of security features);
 - if the contractor and/or the subcontractor provide (or used to provide during the last two years) goods (e.g. equipment) or services (e.g. consultancy) and achieved the cumulated net income of more than EUR 10 million in the financial years 2010 to 2014 in the area of combating illicit trade, including tracking and tracing or security features to a stakeholder active in the tobacco sector (e.g. manufacturing or distribution). In addition, a conflict of interest will be assumed, if the contractor and/or the subcontractor provide (or used to provide during the last two years) goods (e.g. equipment) or services (e.g. consultancy) outside the area of combating illicit trade to a stakeholder active in the tobacco sector (e.g. manufacturing or distribution), when the contractor or subcontractor is not independent from the stakeholder;
 - if the contractor and/or subcontractor provide (or used to provide during the last two years) goods (e.g. equipment) or services (e.g. consultancy) to a stakeholder with vested interests in the area of the tender (in particular because they are a provider of tracking and tracing solutions or of security features), when the contractor or subcontractor is not independent from the stakeholder.
 - If the contractor and/or subcontractor fail to present their CV with this signed declaration of absence of conflicts of interest.
- h) they will inform the contracting authority, 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 contract;
- 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 contract;
- k) that the information provided to the Executive Agency within the context of this invitation is accurate, sincere and complete;

l) that in case of award of contract, they shall provide upon request the evidence that they are not in any of the situations described in points (a), (b), or (e) ².above

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under Article 109 of the Financial Regulation and Article 145 of the Rules of Application, which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature

² For situations described in (a), (b) or (e), 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 origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer 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 Tenderer.

For the situation described in point (a) and (d) above, 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 Tenderer 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.]