**ANNEX I.C – 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 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; 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. facts referred to in decisions of persons and entities implementing Union funds according to 62(1)(c) of the Financial Regulation, such as the ECB, the EIB, the European Investment Fund or international organisations; 4. 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. 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 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 that a legal person and/or a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, and/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) as well as the employees, shareholders, or beneficial owners of the person(s) concerned) is in the following situation: | | | | | | |
| **Situations of exclusion concerning a legal person and/or natural or legal persons with power of representation, decision-making or control over the legal person, as well as the person’s employees, shareholders[[3]](#footnote-3) and beneficial owners[[4]](#footnote-4)** | YES | | NO | N/A | |
| Is a Restricted Person (see the list published at [www.sanctionsmap.eu](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.sanctionsmap.eu%2F&data=04%7C01%7CMaria.Papaioannou%40esa.int%7Ce2e48dc23cdf485e756a08d9a8469c70%7C9a5cacd02bef4dd7ac5c7ebe1f54f495%7C0%7C0%7C637725843493989158%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=eNbc9vPNsoQnewgS8to7CknaD9j%2BJezomL3l7QCDg3A%3D&reserved=0)) |  | |  |  | |
| Is subject to EU Restrictive Measures (see the list published at www.sanctionsmap.eu) |  | |  |  | |
| 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 | N/A | |
| 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. The Participant acknowledges that they 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. | | |  |  | |

**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. The remedial measures shall include, in particular:

(a) measures to identify the origin of the situations giving rise to exclusion and concrete technical, organisational and personnel measures within the relevant business or activity area of Candidate, appropriate to correct the conduct and prevent its further occurrence;

(b) proof that the Candidate has undertaken measures to compensate or redress the damage or harm caused to the financial interests of the Union by the underlying facts giving rise to the exclusion situation;

(c) proof that the Candidate has paid or secured the payment of any fine imposed by the competent authority or of any taxes or social security contributions.

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.

In the case of entities on whose capacity the candidate or tenderer intends to rely or subcontractors of a contractor, the Agency requires that the Participant replaces an entity or a subcontractor on whose capacity it intends to rely which has been determined to be in an exclusion situation.

**Evidence to be presented**

The Participant (including the persons referred to in points 2, 3, 5 and 6 above as well as the subcontractors as indicated in the Tender Specifications) shall provide, together with the tender the following evidence for compliance 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, the Participant may provide 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 is accessible free of charge on a national database, the Participant shall provide the Agency with all the necessary information to access such databases.

Supporting evidence does not have to be provided where the Participant can show that there is a material impossibility to provide such evidence.

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

Supporting evidence does not have to be provided where the Participant can show that there is a material impossibility to provide such evidence.

**Evidence upon request**

Upon request and within the time limit set by the Agency the Participant shall provide any further supporting evidence as required by the Agency, including subcontractors as required,regarding the beneficial owners of the Participant (see point 3 above), as well as regarding all persons referred to in point 4 above.

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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| **Selection criteria** Corrig.4  **(Note: To be filled ONLY by the sole tenderer or the group leader (i.e. Prime Contractor or Consortium Leader)** | | | |
| *With regard to the selection criteria applicable to the tenderer* ***as a whole*** as specified in Section 3.2 of the Tender Specifications, the tenderer as a whole (consolidated assessment for the sole tenderer, Core Team or Consortium) declares that it: | YES | NO | N/A |
| 1. fulfills the (cumulatively) applicable financial and economic capacity criteria indicated in Section 3.2.2 of the tender specifications (**selection criterion F2**); |  |  |  |
| 1. fulfills the (cumulatively) applicable technical and professional capacity criteria indicated in Section 3.2.3 of the tender specifications (**selection criterion T1**); |  |  |  |
| 1. fulfills the (cumulatively) applicable legal and regulatory capacity criteria indicated in Section 3.2.1 of the tender specifications (**selection criterion L8**). |  |  |  |
| **Selection criteria** Corrig.4  **(Note: To be filled by each Participant individually, including the Prime or the Consortium Leader)** | | | |
| *With* *regard to the selection criteria applicable* ***individually***as specified in Section 3.2 of the Tender Specifications, the Participant (individual assessment for any entity participating in the procurement) declares, that it: | YES | NO | N/A |
| 1. fulfills the (individually) applicable legal and regulatory capacity criteria indicated in Section 3.2.1 of the tender specifications (**selection criteria L1, L2, L5, and L6**); |  |  |  |
| 1. will handle EUCI classified information (C-UE/EU-C or above) outside of the Contracting Authority premises and fulfills the (individually) applicable legal and regulatory capacity **selection criterion L3**; |  |  |  |
| 1. will handle EUCI classified information (R-UE/EU-R of above) and fulfills the (individually) applicable legal and regulatory capacity **selection criterion L4;** |  |  |  |
| 1. will be involved in activities requiring a need to know and thus requiring access to PRS information as provided in Section 2.2.2 of the tender specifications and fulfills the (individually) applicable legal and regulatory capacity **selection criterion L7;** |  |  |  |
| 1. will handle CRYPTO information and fulfills the (individually) applicable legal and regulatory capacity **selection criterion L9;** |  |  |  |
| 1. fulfills the (individually) applicable financial and economic capacity criteria indicated in Section 3.2.2 of the tender specifications (**selection criterion F1**).[[5]](#footnote-5) |  |  |  |
| **MINIMUM REQUIREMENTS** Corrig.4 | YES | NO | N/A |
| **(Note: To be filled ONLY by the sole tenderer or the group leader (i.e. Prime Contractor or Consortium Leader)**  The tenderer as a whole submitted a tender compliant with the minimum requirements **selection criterion M1** (applicable cumulatively as indicated in Section 3.3 of the tender specifications). |  |  |  |
| **PARTICIPATION CONDITIONS** | | | |
| **Please note that the fullfilment of the participation conditions shall be assessed according to the requirements laid out in Annex I.F - Part 1, Part 2 and Part 3.**  **Every economic operator** **identified in Section 2.2.17 of the Tender Specifications is required to make the declarations below.**  **The Participant declares the following:** | YES | NO |  |
| **1. The legal entity is**  **(a) established in a Member State**  **(b) with their executive management structures established in that Member State.**  - ‘executive management structure’ means the body of the legal entity appointed in accordance with national law and which, where applicable, the chief executive officer or any other person having comparable decisional power, and which is empowered to establish the legal entity's strategy, objectives and overall direction, and oversees and monitors management decision-making;  - Economic operators are considered established in the EU when they are formed in accordance with the law of an EU Member State, and have their central administration, registered office and principal place of business in an EU Member State (if legal persons) or they are nationals of one of the EU Member States (if natural persons). |  |  |  |
| **Please indicate the place of establishment:** *[to be filled in]* |  |  |  |
| **2. The economic operator commits to carry out all relevant activities in one or more Member States*.*** |  |  |  |
| **Please indicate the place(s) of carrying out all relevant activities: *[to be filled in]*** |  |  |  |
| **3. The legal entity is not being subject to control by a third country or third country entity. For the purpose of this provision ‘control’ means the ability to exercise a decisive influence over a legal entity directly or indirectly through one or more intermediate legal entities.** |  |  |  |
| **The document entitled “Criteria for assessment of participating conditions” available in Annex I.F - Part 1 and Part 3 describes the information to be provided by the economic operators identified in section 2.2.17 of the Tender Specifications and will be used to assess the criteria 1., 2., and 3. above. Please note that for the assessment of control economic operators identified in section 2.2.17 of the Tender Specifications are also required to complete, sign and submit the Declaration of Ownership and Control in Annex I.F - Part 2.** | | |  |

Full name Date Signature

Your reply to the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV), which will be processed pursuant to Regulation (EC) No 2018/1725 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions in this form and any personal data requested are required to assess your tender in accordance with the tender specifications and will be processed solely for that purpose by EUSPA. Details concerning the processing of your personal data are available on the privacy statement at the page:

<http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf>.

Your personal data may be registered in the Early Detection and Exclusion System (EDES) Database should you be in one of the situations mentioned under Article 136 of the Financial Regulation

1. DoH are to be submitted by the candidate/each member of consortium/all subcontractors. [↑](#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 be understood as shareholders or members (for companies limited by guarantee) who either detain at least 5% of the capital or voting rights in the ‘legal entity’ or are shareholders with special rights attached to shares regardless of the percentage of the shareholding they detain. [↑](#footnote-ref-3)
4. Beneficial owners to be understood as any natural person(s) who ultimately owns or controls the customer and/or the natural person(s) on whose behalf a transaction or activity is being conducted and includes at least:

   (a) in the case of corporate entities:

   (i) the natural person(s) who ultimately owns or controls a legal entity through direct or indirect ownership of a sufficient percentage of the shares or voting rights or ownership interest in that entity, including through bearer shareholdings, or through control via other means, other than a company listed on a regulated market that is subject to disclosure requirements consistent with Union law or subject to equivalent international standards which ensure adequate transparency of ownership information.

   A shareholding of 25 % plus one share or an ownership interest of more than 25 % in the customer held by a natural person shall be an indication of direct ownership. A shareholding of 25 % plus one share or an ownership interest of more than 25 % in the customer held by a corporate entity, which is under the control of a natural person(s), or by multiple corporate entities, which are under the control of the same natural person(s), shall be an indication of indirect ownership. This applies without prejudice to the right of Member States to decide that a lower percentage may be an indication of ownership or control. Control through other means may be determined, inter alia, in accordance with the criteria in Article 22(1) to (5) of Directive 2013/34/EU of the European Parliament and of the Council;

   (ii) if, after having exhausted all possible means and provided there are no grounds for suspicion, no person under point (i) is identified, or if there is any doubt that the person(s) identified are the beneficial owner(s), the natural person(s) who hold the position of senior managing official(s), the obliged entities shall keep records of the actions taken in order to identify the beneficial ownership under point (i) and this point. [↑](#footnote-ref-4)
5. While Criterion F2 applies to the tenderer as a whole, Criterion F1 is applicable to all consortium members individually, as well as to subcontractors upon which the tenderer is to rely to reach the required minimum turnover. [↑](#footnote-ref-5)