

ANNEX 4 TO THE INVITATION TO TENDER

Declaration of Honour with respect to the Exclusion Criteria and absence of conflict of interest

CALL FOR TENDERS N° PO/2011-33/DUB

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) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled its 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 carried out;

¹ To be used depending on the national legislation of the country in which the tenderer is established and where considered necessary by the contracting authority (see art. 134(4) of the Implementing Rules).

- e) has not been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the European Union's financial interests;
- f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the Union's budget.

In addition, the undersigned declares on their honour:

- that on the date of submission of the tender, the company or organisation he or she represents does not have any conflict of interest in connection with this call for tenders (a conflict of interest possibly arising in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or shared interest) and that, in particular:² (please select **ONE** of the boxes below)

- it does not include, among its staff (employees, trainees etc.) or its shareholders:
 - any former European officials, contract staff, temporary staff or auxiliary staff who have worked for the European Union in the last three years;
 - any European officials on leave;
 - Any former agents on secondment within the European institutions having worked to the European Union during three years preceding this call for tender

- or it does include, among its staff or shareholders:
 - ... former European officials, ... former contract staff, ... former temporary staff, ... former auxiliary staff who have worked for the European Union in the last three years;
 - ... European officials on leave;
 - ... former agents on secondment within the European institutions having worked to the European Union during three years preceding this call for tender

The Commission reserves the right to assess whether a conflict of interest exists. For that purpose, the tenderer is required to annex to this declaration a CV of the person(s) concerned.

- 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.
- they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- 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 the award of the contract.
- that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete.

² Tick one of the two alternatives. In the case of the second alternative, please indicate the number of persons concerned for each category.

- that in case of award of contract, they shall provide the evidence that they are not in any of the situations described in points a, b, d, e above.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document 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 (d) above, recent certificates or letters 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.

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties specified under Article 133 and 134(b) of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature