

Declaration on honour

Ref: action Cultural and Creative Spaces and Cities

EAC/S23/2017

The undersigned [*insert the name of the person signing this form*], representing:

<i>(only for natural persons)</i> himself or herself:	<i>(only for legal persons)</i> the following entity:
ID or passport number:	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number:

[which has been authorised to sign the present declaration on behalf of the following other entities¹:
[insert names of other entities on behalf of which the declaration is being signed]]

declares that **[the]** **[each]** entity:

(1) is eligible in accordance with the criteria set out in the specific call for proposals;
(2) has the required financial and operational capacity as set out in the specific call for proposals ² ;
(3) has not received any other Union funding to carry out the action subject of this grant application and commits to declare immediately to the Commission/ the Agency any other such Union funding it would receive until the end of the action.

IF ANY OF THE ABOVE REQUIREMENTS IS NOT SATISFIED, PLEASE INDICATE in annex to this declaration which and THE NAME OF THE CONCERNED ENTITY(ies) WITH A BRIEF EXPLANATION.

I – SITUATIONS OF EXCLUSION CONCERNING THE ENTITY(IES)

(4) declares that [the] [each] entity is not in one of the following situations. <u>If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned entity(ies) with a brief explanation.</u>
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 national legislation or regulations;
b) it has been established by a final judgement or a final administrative decision that it is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the authorising officer is located or those of the country of the performance of the contract;

¹ Please also consult the call for proposals in case specific options are defined to sign the declaration

² This does not apply to affiliated entities except if their financial capacity and operational capacity is necessary due to the fact that the beneficiary composed of these affiliated entities does not have the required capacity itself.

<p>c) it has been established by a final judgement or a final administrative decision that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the entity 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:</p> <ul style="list-style-type: none"> (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract, a grant agreement or a grant decision; (ii) entering into agreement with other persons with the aim of distorting competition; (iii) violating intellectual property rights; (iv) attempting to influence the decision-making process of the Commission/ the Agency during the award procedure; (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
<p>d) it has been established by a final judgement that it is guilty of the following:</p>
<ul style="list-style-type: none"> (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
<ul style="list-style-type: none"> (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the authorising officer is located, the country in which the entity is established or the country of the performance of the contract;
<ul style="list-style-type: none"> (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;
<ul style="list-style-type: none"> (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;
<ul style="list-style-type: none"> (v) terrorist-related 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;
<ul style="list-style-type: none"> (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
<p>e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract, a grant agreement or a grant decision 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 an Authorising Officer, OLAF or the Court of Auditors;</p>
<p>f) it has been established by a final judgment or final administrative decision that it has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;</p>
<p>g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, it is subject to:</p> <ul style="list-style-type: none"> i. facts established in the context of audits or investigations carried out by the Court of Auditors, 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; ii. 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;

- iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
- iv. 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;
- v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE ENTITY(IES)

This section applies only to declarations by legal persons, with the exception of Member States and local authorities

(5) declares that, for the entity(ies) subject to this declaration, (a) **natural person**(s) who is/are member(s) of the administrative, management or supervisory body(ies) or who has/have powers of representation, decision or control (this covers company directors, members of management or supervisory bodies, and cases where one person holds a majority of shares) is/are **not** in one of the following situations. ***If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person(s) and entity(ies) with a brief explanation.***

- 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)

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE ENTITY(IES)

This section applies only to declarations that include an entity for which a natural or legal person assumes unlimited liability for debts

(6) declares that (a) natural or legal person(s) that assume(s) unlimited liability for the debts of the entity(ies) subject to this declaration is/are **not** in one of the following situations. ***If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person(s) and entity(ies) with a brief explanation .***

- situation (a) above (bankruptcy)

- situation (b) above (breach in payment of taxes or social security contributions)

IV – REMEDIAL MEASURES

If for any entity subject to this declaration it has been declared that it is in one of the situations of exclusion listed above, an annex to this declaration must indicate the measures the entity has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or

payment of fines. The annex must include relevant documentary evidence which illustrates the remedial measures taken. Remedial measures cannot be proposed for situations referred in point (d).

V – EVIDENCE UPON REQUEST

The Commission/Agency may request any entity subject to this declaration to provide information and the applicable evidence on any person that is member of an administrative, management or supervisory body (persons with powers of representation, decision or control with regard to that entity).

The Commission/Agency may request any entity subject to this declaration to provide the applicable evidence concerning the entity itself and / or concerning the natural or legal persons which assume unlimited liability for the debts of the entity.

Evidence may be requested as follows:

For situations described in (a), (c), (d) or (f), 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 entity 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 State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the entity 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 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 an entity has already submitted such evidence for the purpose of another procedure and provided that the submitted documents are still valid and that the time that has elapsed since the issuing date of the documents does not exceed one year, the entity shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

If selected to be awarded a grant, the entity(ies) subject to this declaration accept(s) the terms and conditions laid down in the grant agreement/grant decision.

The entity(ies) subject to this declaration 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