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| Self-declaration  Annex 4  Project ref: ENI/2020/417-654 |

**Self-declaration on exclusion criteria and avoidance of conflicts of interest**

To be downloaded by the applicant, filled out, printed on their own letterhead and signed by the legal representative (on paper). Scanned PDF should be then submitted by the applicant via e-mail.

The undersigned [*name of undersigned*] hereby declares

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| (*legal entities only*) in representation of the following legal entity: |
| Name in full:  Legal form:  Official register entry:  Address in full:  VAT registration number:  (subsequently “**person/entity**”) |

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| --- |
| declares that the applicant is fully eligible in accordance with the criteria set out in the call for tender; |
| declares that the applicant has the financial and operational capacity to carry out the proposed action; |

# Option I: DECLARATION ALREADY IN PLACE

The person/entity is not required to present the declaration on exclusion criteria if this declaration has already been submitted to the EU4Culture for the purposes of an earlier awarding procedure, provided that the situation has not changed and the declaration was issued **no longer than one year ago**.

In this event *the undersigned* declares that the person/entity has already submitted the same declaration on exclusion criteria within the scope of an earlier awarding procedure, and confirms that their situation has not changed since then:

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| --- | --- |
| **Date of declaration** | **Full details of earlier awarding procedure** |
|  |  |

# Option II: SELF-DECLARATION TO BE COMPLETED BY THE UNDERSIGNED

I – Exclusion situations relating to the person/entity

***Please tick where appropriate!***

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| --- | --- | --- |
| The undersigned declares that one of the situations below applies to the above person/entity | YES | NO |
| They are **bankrupt** or currently the subject of **insolvency proceedings** or in liquidation, their assets are being administered by a liquidator or court, they are in settlement proceedings, their business activities have been suspended, or they are in a similar situation arising from a similar procedure provided for in EU or national legislation or regulations; |  |  |
| it has been established through a legal judgement in court or a final administrative decision that the person/entity has not fulfilled their **obligations relating to the payment of taxes or social security contributions** in accordance with applicable law; |  |  |
| it has been established through a legal judgement in court or a final administrative decision that the person/entity is guilty of **grave misconduct** within the scope of their **professional activities** as a result of a **breach of applicable laws, provisions or ethical standards of their profession**, or as a result of any form of criminal activity compromising their professional integrity that arises through intent or gross negligence; in particular including conduct of the following nature: |  | |
| i) when providing the required information to verify the absence of grounds for exclusion or compliance with suitability criteria, or in the performance of a contract or agreement, the **submission of false declarations with intent to deceive** or through negligence; |  |  |
| ii) **agreements** with other persons/entities with the objective of distorting of competition; |  |  |
| iii) breach of **intellectual property** rights**;** |  |  |
| iv) **attempting to influence** the decision of the EU4Culture during the awarding procedure; |  |  |
| v) attempting to obtain **confidential information** about the procedure through which illegal advantages could be gained in the awarding procedure***;*** |  |  |
| it has been established through a **legal judgement in court** that the person/entity is guilty of the following **offences**: |  | |
| i) **fraud** as referred to in Article 3 of Directive (EU) 2017/1371 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 referred to in Article 4 Para. 2 of Directive (EU) 2017/1371 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States drawn up by the Council Act of 26 May 1997, activities in terms of Article 2 Para. 1 of the framework decision 2003/568/JI of the Council, and corruption as referred to in applicable law; |  |  |
| iii) activities associated with a **criminal organisation** as referred to in Article 2 of the framework decision 2008/841/JI of the Council; |  |  |
| iv) money laundering or financing of terrorism in terms of Article 1 Paras. 3, 4 and 5 of Directive (EU) 2015/849 of the European Parliament and the Council; |  |  |
| v) terrorist offences or offences linked to terrorist activities in terms of Article 1 and Article 3 of the framework decision 2002/475/JI of the Council, or incitement, complicity or attempt in terms of Article 4 of the same decision.; |  |  |
| vi) **child labour** or **other offences** linked with human trafficking as referred to in Article 2 of the Directive 2011/36/EU of the European Parliament and the Council; |  |  |
| they have demonstrated **considerable deficiencies in fulfilment of the main requirements** during the performance of a contract or agreement financed by the Union budget, resulting in premature termination of the contract, imposition of a flat-rate compensation payment or other forms of contractual penalty, or which were discovered through inspections, audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors; |  |  |
| it has been established through a legal judgement in court or a final administrative decision that the person/entity has committed an **irregularity** in terms of Article 1 Para. 2 of Council Regulation (EC, Euratom) No. 2988/95; |  |  |
| it has been established through a legal judgement in court or a final administrative decision that the person/entity has **set up an office in another sovereign territory** **with the intention of circumventing tax, social and legal obligations at their statutory registered office, their administrative headquarters or their main branch;** |  |  |
| (*legal entities only*) it has been established through a legal judgement in court or a final administrative decision that the person/entity has been created with the intent provided for in point (g). |  |  |
| that the person/entity in the situations described in **points c to h** is subject to:  facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office (after its establishment), the Court of Auditors, the European Anti-Fraud Office (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;  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;  facts referred to in decisions of entities or persons being entrusted with EU  budget implementation tasks;  information transmitted by Member States implementing Union funds;  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 or  decisions of exclusion by an authorising officer of a body, institution or other entity of the EU. |  |  |
| that the person/entity has already received funding from the EU4Culture for the same project or in the same fiscal year, and is therefore in breach of the double funding and non-cumulative policy as referred to in Article 191 EU (Regulation) 2018/1046. |  |  |

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II – Situations of exclusion concerning natural persons or legal entities with power of representation, decision-making or control over the legal entity and beneficial owners

***This section is not applicable to natural persons, Member States and local authorities  
Please tick where appropriate!***

|  |  |  |  |
| --- | --- | --- | --- |
| The undersigned declares that a natural person or legal entity who is a member of the  administrative, management or supervisory body of the abovementioned legal entity or who has powers of representation, decision or control with regard to the above-mentioned legal entity (this includes company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares), or a beneficial owner of the person/entity (as referred to in point 6 of Article 3 of Directive (EU) No 2015/849) is in one of the following situations: | YES | NO | N/A |
| 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 (irregularities) |  |  |  |
| Situation (g) above (creation of an entity with the intent to circumvent  legal obligations) |  |  |  |
| Situation (h) above (creation of a person with the intent to circumvent  legal obligations) |  |  |  |

III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal entity

|  |  |  |  |
| --- | --- | --- | --- |
| The undersigned declares that a natural person or legal entity that assumes unlimited liability  for the debts of the above-mentioned legal entity is in one of the following situations: | YES | NO | N/A |
| Situation (a) above (bankruptcy) |  |  |  |
| Situation (b) above (breach in payment of taxes or social security  contributions) |  |  |  |

IV – Remedial measures

If the person/entity declares one of the situations of exclusion listed above, they must demonstrate reliability by indicating measures taken to remedy the exclusion situation. This might for example include technical, organisational and staffing measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. Appropriate documentary evidence to illustrate the remedial measures taken must be **provided in annex to this declaration**.

This does not apply to situations referenced in point (d) of this declaration.

VI – Provision of evidence on request

Upon request and within the time limit set by the EU4Culture, the person/entity must provide information on natural persons or legal entities that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

It must also provide the following evidence concerning the person/entity themselves and the natural persons or legal entities on whose capacity the person intends to rely, or a subcontractor thereof, and concerning the natural persons or legal entities who assume unlimited liability for the debts of that person/entity:

*As evidence that none of the situations described in* ***(a), (c), (d), (f), (g) and (h)*** *are applicable, a recently dated* ***extract from the judicial record*** *must be provided, or failing that an equivalent document issued recently by a judicial or administrative authority in the person/entity’s country of establishment, showing that those requirements are fulfilled.*

*As evidence that none of the situations described in* ***(b)*** *are applicable, recently dated* ***certificates issued by the competent authorities of the State concerned*** *must be provided. These certificates must provide evidence covering all taxes and social security contributions for which the person/entity is liable, including VAT, income tax (natural persons only), company tax (legal entities only) and social security contributions. In the event that one of the documents 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 formal statement made before an administrative authority or a qualified professional body in the person/entity’s country of establishment.*

The person/entity is not required to submit evidence if it has already been submitted within the scope of an earlier awarding procedure involving the EU4Culture. The documents must have been issued **no more than one year** before the date on which they are requested by the EU4Culture and must still be valid at that date.

The undersigned declares that the person/entity has already provided the documentary evidence within the scope of an earlier procedure and confirms that there has been no change in their situation since:

|  |  |
| --- | --- |
| **Document** | **Full details of earlier procedure** |
| *[Insert as many lines as required]* |  |

***The above-mentioned person/entity may be subject to rejection from this procedure if any of the declarations or information provided as a condition for participating in this procedure prove to be false.***

Full name Date Signature