

Sworn statement on exclusion criteria and selection criteria

A. SWORN STATEMENT ON EXCLUSION CRITERIA

The undersigned [*insert name of the signatory of this form*]:

<i>(Natural persons only)</i> representing himself / herself ID or passport number: ('the person')	<i>(Legal persons only)</i> representing the following legal person: Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number: ('the person')
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The person is not required to submit the sworn statement on exclusion criteria if it was already submitted for the purposes of another award procedure with the same contracting authority ¹ to the extent that his/her/its situation has not changed and not more than a year has passed since the date on which that statement was submitted.

In such a case, the signatory declares that the person has already submitted the same statement on exclusion criteria for a previous procedure and confirms that there has been no change in his/her/its situation:

Date of the statement	Full reference to previous procedure

I – SITUATION OF EXCLUSION CONCERNING THE PERSON

1) declares that the abovementioned person is in one of the following situations:	YES	NO
a) he/she/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 he/she/it is in any analogous situation arising from a similar procedure provided for under EU or national law;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgment or a final administrative decision that he/she/it is in breach of his/her/its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having infringed applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on his/her/its professional credibility where such conduct denotes		

¹ The same EU institution, agency, body or office.

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 performance of a contract or agreement;	<input type="checkbox"/>	<input type="checkbox"/>
ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
iii) infringing intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
d) it has been established by a final judgement that the person is guilty of one of the following:		
i) fraud within the meaning of Article 3 of Directive (EU) 2017/1371 and of Article 1 of Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
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;	<input type="checkbox"/>	<input type="checkbox"/>
iii) conduct related to a criminal organisation as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
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;	<input type="checkbox"/>	<input type="checkbox"/>
v) terrorist offences or offences related to terrorist activities, including aiding and abetting, inciting or attempting an offence, such as those defined in Articles 3 and 14 of Title II of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism;	<input type="checkbox"/>	<input type="checkbox"/>
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;	<input type="checkbox"/>	<input type="checkbox"/>
e) he/she/it seriously failed to comply with fundamental obligations in the performance of a contract or agreement financed by the EU budget, which led to the termination of the contract or agreement or the imposition of liquidated damages or other contractual penalties or which was discovered following inspections and audits or investigations carried out by the contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors.	<input type="checkbox"/>	<input type="checkbox"/>
f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
g) it has been established by a final judgment or final administrative decision that he/she/it has created an entity in a different jurisdiction with the intention of	<input type="checkbox"/>	<input type="checkbox"/>

circumventing fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;		
h) (<i>legal persons only</i>) it has been established by a final judgment or a final administrative decision that the person was created with the intention referred to in point (g);	<input type="checkbox"/>	<input type="checkbox"/>
2) declares that, for the situations referred to in points 1(c) to 1(h) above in the absence of a final judgment or a final administrative decision, the person ² :	YES	NO
i) is implicated in facts established in audits or investigations carried out by the European Public Prosecutor's Office, the Court of Auditors or the internal auditor, or in any other inspection, audit or check carried out under the authority of an authorising officer of an EU institution, an EU office, or an agency or body of the EU;	<input type="checkbox"/>	<input type="checkbox"/>
ii) is the subject of judgments or administrative decisions which are not final, including, where appropriate, disciplinary measures taken by the competent oversight body responsible for ensuring the observance of professional ethical standards;	<input type="checkbox"/>	<input type="checkbox"/>
iii) is implicated in facts referred to in the decisions of entities or persons entrusted with EU budget implementation tasks;	<input type="checkbox"/>	<input type="checkbox"/>
iv) is referred to in information transmitted by Member States implementing EU funds;	<input type="checkbox"/>	<input type="checkbox"/>
v) is the subject of decisions of the Commission relating to the infringement of EU competition law or of decisions of a national competent authority relating to the infringement of EU or national competition law;	<input type="checkbox"/>	<input type="checkbox"/>
vi) has been informed, by any means, that he/she/it is the subject of an investigation by the European Anti-Fraud Office (OLAF), either because OLAF has given him/her/it the opportunity to comment on facts concerning him/her/it or because he/she/it has been subject to on-the-spot checks by OLAF in the course of an investigation or because he/she/it has been notified of the opening or closure of an OLAF investigation concerning him/her/it or of any other aspect related thereto.	<input type="checkbox"/>	<input type="checkbox"/>

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS WITH THE POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON AND BENEFICIAL OWNERS

Not applicable to natural persons, Member States and local authorities

3) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the person or who has powers of representation, decision or control with regard to the person (this covers, for example, 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	YES	NO	Not relevant
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² The statement in point 2 is voluntary and may not produce adverse legal effects for the economic agent so long as the conditions of Article 141(1)(a) of the FR are not met.

person (as referred to in Article 3(6) of Directive (EU) 2015/849) is in one of following situations:			
Situation 1(c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation 1(d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation 1(e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation 1(f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation 1(g) above (creation of an entity with the intention of circumventing legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation 1(h) above (person created with the intention of circumventing legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON

4) declares that a natural or legal person that assumes unlimited liability for the debts of the person is in one of the following situations:	YES	NO	Not relevant
Situation 1(a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation 1(b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV – OTHER GROUNDS FOR REJECTION FROM THIS PROCEDURE

5) declares that the abovementioned person:	YES	NO
was previously involved in the preparation of the procurement documents used in this award procedure where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	<input type="checkbox"/>	<input type="checkbox"/>

V – REMEDIAL MEASURES

If the person declares one of the exclusion situations listed above, he/she/it may indicate remedial measures that he/she/it has taken to remedy the exclusion situation in order to enable the authorising officer to determine whether such measures are sufficient to demonstrate his/her/its reliability. This may include, for example, technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence substantiating the remedial measures taken must be provided in annex to this statement. This does not apply for situations referred in point 1(d) of this statement.

VI – EVIDENCE UPON REQUEST

Upon request and within the time limit set by the contracting authority the person must provide information on natural or legal persons 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, as well as evidence that none of those persons are in one of the exclusion situations referred to in points 1(c) to 1(f).

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

- for situations described in points 1(a), 1(c), 1(d) or 1(f) and 1(g) and 1(h), 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 person showing that those requirements are satisfied.
- for situations described in points 1(a) and 1(b), recent certificates issued by the competent authorities of the country of establishment. Those documents must provide evidence of payment of all taxes and social security contributions for which the person 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 of establishment, 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.

The person is not required to submit the evidence if it has already been submitted for another award procedure with the same contracting authority.³ The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

The person is not required to submit the evidence if it can be accessed via a national database free of charge.

The signatory declares that the following database website address/identification data provide access to the evidence requested.

³ The same institution or agency.

Database website address	Identification data of the document
<i>Insert as many lines as necessary.</i>	

B. SWORN STATEMENT ON SELECTION CRITERIA

VII – SELECTION CRITERIA

Selection criteria applicable in aggregate – Overall evaluation

(to be filled out ONLY by a sole candidate or by the leader of the group in the case of a request for joint participation)

The person who, as a sole candidate/leader of the group in the case of a request for joint participation, submits a request for participation in the abovementioned procedure, declares that:

6) the candidate, including all members of the group in the case of a request for joint participation, sub-contractors and the entities on whose capacity the person intends to rely, where appropriate:	YES	NO
a) meets all the selection criteria for which an overall assessment will be carried out in accordance with the tender notice;	<input type="checkbox"/>	<input type="checkbox"/>
b) is not in a situation of conflict of interest which could undermine the performance of the contract.	<input type="checkbox"/>	<input type="checkbox"/>

Selection criteria applicable on an individual basis to entities associated with the candidate – Individual evaluation

(to be filled out individually by all members in the case of a request for joint participation and by subcontractors)

The person who, as a member of a request for joint participation or a sub-contractor, submits a request for participation in the abovementioned procedure, declares that:

7) the abovementioned person complies with the selection criteria applicable to him/her/it individually as provided for in the tender notice, namely that:	YES	NO	Not relevant
c) he/she/it has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in point III.1.1 of the tender notice;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) he/she/it meets the applicable economic and financial criteria indicated in point III.1.2 of the tender notice;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) he/she/it meets the applicable technical and professional criteria indicated in point III.1.3 of the tender notice;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

f) he/she/it is not in a situation of conflict of interest which could undermine the performance of the contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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VIII – EVIDENCE UPON REQUEST

The person must be able to provide, upon request and without delay, the required documentary evidence proving compliance with the various criteria.

Where evidence does not need to be provided with the request to participate, the person is requested to prepare the documentary evidence in advance as the contracting authority may request that this evidence be provided within a short deadline.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in his/her/its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

C. SWORN STATEMENT ON ESTABLISHED DEBT OWED TO THE EU

(to be filled out ONLY by a sole candidate or by the leader of the group in the case of a request for joint participation)

The person who, as a sole candidate/leader in the case of a request for joint participation, submits a request for participation in the abovementioned procedure, declares that:

8) the candidate, including every member of the group in the case of a request for joint participation and sub-contractors,	YES	NO
is not liable to the EU for established debt.	<input type="checkbox"/>	<input type="checkbox"/>

The abovementioned person must immediately inform the contracting authority of any modification of the stated situation.

The abovementioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the statements or

information provided as a condition for participating in this procedure prove to be false.

Surname and forename(s)

Date

Signature