

DECLARATION ON HONOUR ON EXCLUSION AND SELECTION CRITERIA

Call for expressions of interest – Remunerated experts – Various Scientific profiles

The undersigned [*insert name of the signatory of this form*], with ID or passport number [Complete], representing themselves and referred to hereinafter as “The person”.

A. DECLARATION ON HONOUR ON EXCLUSION CRITERIA

The person is not required to fill in this Part A of the Declaration if the same declaration has already been submitted for the purpose of another award procedure of the European Environment Agency (EEA), provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year. In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in their situation:

Date of the declaration:	
Reference of the previous procedure:	

I – Situations of exclusion concerning the person:

(1) declares that the above-mentioned person is in one of the following situations:	YES	NO
(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 EU or national laws;	☐	☐
(b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	☐	☐
(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 violated 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 its professional credibility 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 performance of a contract or an agreement;	☐	☐
(ii) entering into agreement with other persons with the aim of distorting competition;	☐	☐
(iii) violating intellectual property rights;	☐	☐
(iv) unduly influencing or attempting to unduly influence the decision-making process to obtain Union funds by taking advantage, through misrepresentation, of a conflict of interests involving any financial actors or other persons referred to in Article 61(1) FR;	☐	☐
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	☐	☐
(vi) incitement to discrimination, hatred or violence against a group of persons or a member of a group or similar activities that are contrary to the values on which the Union is founded enshrined in Article 2 TEU, where such misconduct has an impact on the person's integrity which negatively affects or concretely risks affecting the performance of a contract or an agreement;	☐	☐
(d) it has been established by a final judgement that the person is guilty of the following:		
(i) fraud, within the meaning of 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 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, and conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the applicable law;	☐	☐
(iii) conduct related to a criminal organisation, as referred to 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 related to terrorist activities, as defined in Articles 3 and 12 of Directive (EU) 2017/541 of the European Parliament and of the Council, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 14 of that Directive;	☐	☐
(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;	☐	☐
(e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement 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 a contracting authority, the European Anti-Fraud Office (OLAF), the Court of Auditors or the European Public Prosecutor's Office (EPPO);	☐	☐
(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;	☐	☐
(g) it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations including those related to working rights, employment and labour conditions, in the jurisdiction of its registered office, central administration or principal place of business.	☐	☐
(h) it has intentionally and without proper justification resisted an investigation, check or audit carried out by the contracting authority or its representative or auditor, OLAF, the EPPO, or the Court of Auditors. It shall be considered that the person resists an investigation, check or audit when it carries out actions with the goal or effect of preventing, hindering or delaying the conduct of any of the activities needed to perform the investigation, check or audit. Such actions shall include, in particular, refusing to grant the necessary access to its premises or any other areas used for business purposes, concealing or refusing to disclose information or providing false information.	☐	☐
(2) declares that , for the situations referred to in points (1) (c) to (1) (h) above, in the absence of a final judgement or a final administrative decision the person is:	YES	NO

(i) subject to facts established in the context of audits or investigations carried out by the EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the Court of Auditors, OLAF, or the internal auditor, or any other check, audit, or control performed under the responsibility of an authorising officer or an EU institution, of a European office or of an EU agency or body;	☐	☐
(ii) subject to non-final judgements or 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) subject to facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;	☐	☐
(iv) subject to information transmitted by Member States implementing Union funds, in particular facts and findings established in the context of a final judgement or final administrative decision at national level as to the presence of the exclusion situations referred to in points 1 (c) (iv) or (d);	☐	☐
(v) subject to 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;	☐	☐
(vi) informed, by any means, that it is subject to an investigation by the European Anti-Fraud Office (OLAF): either because it has been given the opportunity to comment on facts concerning it by OLAF, or it has been subject to on-the-spot checks by OLAF in the course of an investigation, or it has been notified of the opening, the closure or of any circumstance related to an investigation of the OLAF concerning it.	☐	☐

II – Other grounds for rejection from this procedure

(3) declares that the above-mentioned 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.	☐	☐

III – Remedial measures

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, in order to allow the European Environment Agency

to determine whether such measures are sufficient to demonstrate its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions.

Without prejudice to the assessment of the European Environment Agency, the person shall submit remedial measures that have been assessed by an external independent auditor or have been considered sufficient by a decision of a national or Union authority. The relevant documentary evidence, which illustrates the remedial measures taken and their assessment must be provided in annex to this declaration. Remedial measures do not apply for situations referred in Section I, point (1) (d) of this declaration.

IV – Evidence upon request

Upon request and within the time limit set by the European Environment Agency the person must provide the following evidence concerning themselves and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

- *For situations described in points (1) (a), (c), (d), (f) and (g): 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 person showing that those requirements are satisfied.*
- *For situations described in points (1) (a) and (b): recent certificates issued by the competent authorities of the country of establishment. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax, 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 of the European Environment Agency. The documents must have been issued no more than one year before the date of their request by the European Environment Agency 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 on a national database free of charge.

The signatory declares that the following internet address of the database/identification data provide access to the evidence required:

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

B. DECLARATION ON HONOUR ON SELECTION CRITERIA

I. Selection criteria

(1) declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the call for expressions of interest:	YES	NO	N/A
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in the call for expressions of interest;	☐	☐	☐
(b) It fulfils the applicable economic and financial criteria indicated in the call for expressions of interest;	☐	☐	☐
(c) It fulfils the applicable technical and professional criteria indicated in the call for expressions of interest.	☐	☐	☐

II. Selection criteria – Professional conflicting interests

(2) declares that the above-mentioned person:	YES	NO
(a) is subject to professional conflicting interests which may negatively affect the contract performance;	☐	☐
(b) is subject to a contractual clause in their employment contract which prevent them from direct assignment by the European Environment Agency	☐	☐

III. Evidence on selection criteria

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents, as requested in the call for expressions of interest, without delay.

The person is not required to submit the evidence required if it has already been submitted for another procurement procedure of the European Environment Agency. The documents must have been issued no more than one year before the date of their request by the European Environment Agency 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
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Internet address of the database	Identification data of the document
<i>Insert as many lines as necessary.</i>	

C. DECLARATION ON HONOUR ON RESTRICTIVE MEASURES

(3) declares that the above-mentioned person:	YES	NO
is not subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the functioning of the European Union (TFEU) ¹ , consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze.	☐	☐

D. DECLARATION ON HONOUR ON ESTABLISHED DEBT TO THE UNION

(4) declares that the above-mentioned person:	YES	NO
Has an established debt to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget.	☐	☐

The above-mentioned person must immediately inform the European Environment Agency of any changes in the situations as declared.

The above-mentioned person 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 ²

¹ Please note that the EU Official Journal contains the official list and, in case of conflict, its contents prevail over that of the EU Sanction Map.

² In order to save paper and to avoid printing out this document, the EEA accepts the use of an advanced electronic signature based on a qualified certificate <https://webgate.ec.europa.eu/tl-browser/#/>