

## Annex 4 – Declaration of honour

### Declaration on honour on eligibility, exclusion and selection

Call for Proposals **XXXXX**

The undersigned \_\_\_\_\_, representing the following legal person/entity:

Full official name: \_\_\_\_\_

Official legal form: \_\_\_\_\_

Statutory registration number: \_\_\_\_\_

Full official address: \_\_\_\_\_

VAT registration number: \_\_\_\_\_

declares that the entity:

- (1) is eligible in accordance with the criteria set out in the specific call for proposals;
- (2) commits to the execution of the activity/work programme as described in the Call for Proposals and applied for by the entity.
- (3) has the required legal, regulatory, financial, technical and operational capacity to carry out the activity/work programme applied for in the specific call for proposals;
- (4) has not received any other European Union funding to carry out the activity/work programme applied for in this call for proposal and commits to declare immediately to the EIT Manufacturing any other such European Union funding it would receive until the end of the activity/work programme.
- (5) agrees to become a Partner of EIT Manufacturing, pay the annual membership fees and contribute to the Financial Sustainability of the KIC (if the proposal is selected for funding in the Call for Proposals applied for)

IF ANY OF THE ABOVE REQUIREMENTS IS NOT SATISFIED, PLEASE INDICATE IN ANNEX TO THIS DECLARATION WHICH AND THE NAME OF THE CONCERNED ENTITY WITH A BRIEF EXPLANATION.

#### **I – SITUATIONS OF EXCLUSION CONCERNING THE ENTITY**

(4) declares that the entity is not in one of the following situations. *If yes, please indicate in annex to this declaration which situation with a brief explanation.*

- 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 applicable law;

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:

(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 EU Bodies during the award procedures;

(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

d) it has been established by a final judgement that it is guilty of the following:

(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;

(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;

(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;

(iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;

(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;

(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;

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 European 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;

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;

g) it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;

In the absence of a final judgement or final administrative decision in the cases referred to in points c), d), f), and g) above, or in the case referred to in point (e) the Applicant in particular is subject to:

(i) facts established in the context of audits or investigations carried out by 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 the authorising officer;

(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) facts referred to in decisions of persons and entities implementing Union funds pursuant to point (c) of the first subparagraph of Article 62(1) of the Financial Regulation;

(iv) information transmitted in accordance with point (d) of Article 142(2) of the Financial Regulation by entities implementing Union funds pursuant to point (b) of the first subparagraph of Article 62(1) of the Financial Regulation;

(v) 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.

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

(5) declares that, for the entity 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 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**

(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 TO BE PRESENTED**

If selected, any applicant receiving more than 60000 euros of financial support will be asked to provide the EIT Manufacturing evidence for compliance with the exclusion criteria. This evidence may include:

- A certificate of good standing or equivalent issued by a judicial or administrative authority in the country of establishment of the Applicant.
- A certificate/statement by a certified public accountant or equivalent proving that the applicant has the required financial capacity and resources to undertake the activity applied for.

The documentation shall be provided before the signature of any contractual agreements regarding the funding. Failure to provide the above-mentioned documentation may result in the exclusion of the applicant and the activity/work programme it has been selected for.

If the evidence is accessible free of charge on a national database, the Applicant shall provide the EIT Manufacturing with all the necessary information to access such databases.

If the Applicant has a validated PIC less than a year or if the Applicant is a large entity within the meaning of the Articles of Association of EIT Manufacturing, or in any other justified cases deemed by EIT Manufacturing, the applicant will be exempt from providing such documentation.

#### **VI EVIDENCE UPON REQUEST**

The EIT Manufacturing may request any entity subject to this declaration and selected for the call for proposals, to provide additional evidence concerning the entity itself and / or concerning the natural or legal persons which assume unlimited liability for the debts of the entity and/ or 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).

If selected for the call for proposals and within the time limit set by the EIT Manufacturing, the Applicant may be requested to provide additional information on the entity itself/the natural or legal persons that are members of the administrative, management or supervisory body, or that have powers of representation, decision or control with regard to the Applicant, on the beneficial owners of the Applicant, as well as the natural or legal persons which assume unlimited liability for the debt of the Applicant and the following evidence:

For situations described in (a), (c), (d), (f), and (g), 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 Applicant showing that those requirements are satisfied.

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For the situation described in point (a) or (b), production of recent certificates issued by the competent authorities of the country of establishment. Where such types of certificates are 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 the Applicant already submitted such evidence for the purpose of another procedure administered by the EIT Manufacturing that is still valid and not dating more than a year, the Applicant shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

If the evidence is accessible free of charge on a national database, the Applicant shall provide the EIT Manufacturing with all the necessary information to access such databases.

**The entity subject to this declaration may be subject to rejection from the call for proposals if any of the declarations or information provided as a condition for participating in this call prove to be false or misrepresented. The entity subject to this declaration understand that failure to supply requested information or if they turn out be involved in the preparation of the call and this entails a distortion of competition that cannot be remedied otherwise may also be subject to rejection from the call for proposals.**

Full name

Date

Signature