

OP/EUI/REFS/2019/004

## Open procedure to appoint a Protection and Prevention Service Manager (PPSM) for the European University Institute

### DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND ABSENCE OF CONFLICT OF INTEREST

The undersigned \_\_\_\_\_:

representing the following legal person:

full official name:

official legal form:

full official address:

VAT registration number:

or

in his/her own name (*for a natural person*)

**1) declares that [the above-mentioned legal person] [he/she] is not in one of the following situations:**

- a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has been convicted of an offence concerning grave professional conduct by a final judgment of a competent judicial authority or administrative decision or decisions of international organisations.
- c) is not in compliance with its obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which it is

- established or with those of Italy being the country of establishment of the Institute or those of the country where the contract is to be performed. This breach needs to have been established by a judgement or administrative decision having final and binding effect in accordance with the legal provisions of the country in which the economic operator is established or of Italy being the country of establishment of the Institute;
- d) has been the subject of a final judgment for fraud, corruption, involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or other forms of trafficking in human beings or any other illegal activity, where such illegal activity is detrimental to the Institute's financial interests;
  - e) has been in serious breach of a contract financed by the Institute or has been the subject of an offense of serious irregularity established by a final judgment of a competent judicial authority or administrative decision.
  - f) is subject to an administrative penalty for being guilty for grave professional misconduct, or for having made substantial errors or committed irregularities or fraud, or have been declared to be in breach of their obligations under contracts covered by the Institute's budget (Article 41 of the EU's Public Procurement Regulation (President's Decision No. 36/2016 of 4<sup>th</sup> August 2016).
- Declares that the natural person(s) who is/are (a) member(s) of the administrative, management or supervisory body of the economic operator or has/have the powers of representation, decision or control is/are not in a situation listed above.
- Declares that [the above-mentioned legal person] [he/she]:
- g) has no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest, including conflicting professional interests; at present or occurred over the past 5 years;
  - h) will inform EUI, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
  - i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or

- involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
- j) will not undertake to unduly influence the decision-making process of the Institute or obtain confidential information that may confer upon them undue advantages in the procurement procedure;
  - k) will not undertake to enter into agreements with other candidates and tenderers aimed at distorting competition;
  - l) will not undertake to deliberately provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.
  - m) will not deliberately provide misleading information that may have a material influence on decisions concerning exclusion, selection or award
  - n) has provided accurate, sincere and complete information to EUI within the context of this procurement procedure;
- acknowledges that [the above-mentioned legal person] [he/she] may be subject to administrative and financial penalties<sup>1</sup> if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the Institute:

For situations described in (a), (b), (d) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer. For the situation described in point (c) above, recent certificates or letters 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 tenderer is liable,

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<sup>1</sup> As provided for in Article 41 of the EUI President's Decision 44/2014 of 5 December 2014 (Public Procurement Regulation)

including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control in relation to the candidate or tenderer shall be provided only upon request by the Institute.

DONE AT \_\_\_\_\_ ON \_\_\_\_\_

SIGNATURE \_\_\_\_\_