**Energy Efficiency Compliant Products – EEPLIANT3 (EU Grant Agreement N° 832558)**

WP6: Concerted actions on new and arising issues posing challenges to market surveillance and enforcement
WP6, task 6.4 Product testing

**ANNEX A**

**Declaration of honour**

**Call for Tender for Test Laboratories**

**Washing machines, wine storage appliances and televisions**

**March 2022**

1. The undersigned [insert name of the signatory of this form], representing:

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| (*only for natural persons*) himself or herself | (*only for legal persons*) the following legal person:  |
| ID or passport number:  | Full official name: Official legal form: Statutory registration number**:** Full official address: VAT registration number: |

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| 1. **Declares whether the above-mentioned person is in one of the following situations or not (PLEASE TICK YES OR NO):**
 |
| **SITUATION OF EXCLUSION CONCERNING THE PERSON** | YES | NO |
| 1. 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;
 | [ ]  | [ ]  |
| 1. 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 by the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
 | [ ]  | [ ]  |
| 1. 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:
 |  |
| 1. 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;
 | [ ]  | [ ]  |
| 1. agreeing with other persons with the aim of distorting competition;
 | [ ]  | [ ]  |
| 1. violating intellectual property rights;
 | [ ]  | [ ]  |
| 1. attempting to influence the decision-making process of the contracting authority during the award procedure;
 | [ ]  | [ ]  |
| 1. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
 | [ ]  | [ ]  |
| 1. it has been established by a final judgement that the person is guilty of any of the following:
 |  |
| 1. fraud, within the meaning of Article 1 of the Convention on the protection of the European Communitie financial interests, drawn up by the Council Act of 26 July 1995;
 | [ ]  | [ ]  |
| 1. 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 contracting authority is located, the country in which the person is established or the country of the performance of the contract;
 | [ ]  | [ ]  |
| 1. participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;
 | [ ]  | [ ]  |
| 1. money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and the Council;
 | [ ]  | [ ]  |
| 1. terrorism-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;
 | [ ]  | [ ]  |
| 1. 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 the Council;
 | [ ]  | [ ]  |
| 1. the person has shown significant deficiencies in complying with the main obligations in the performance of a contract 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 an Authorising Officer, OLAF or the Court of Auditors;
 | [ ]  | [ ]  |
| 1. 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;
 | [ ]  | [ ]  |
| 1. for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
2. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit, or control performed under the responsibility of an authorising officer of an EU institution, of a European office or an EU agency or body;
3. 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;
4. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
5. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
6. decisions of exclusion by an authorising officer of an EU institution, of a European office, or an EU agency or body.
 | [ ]  | [ ]  |

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| 1. **declares whether a natural person who is a member of the administrative, management or supervisory body of [the] [each] applicant, or who has powers of representation, decision or control about that applicant (this covers company directors, members of management or supervisory bodies, and cases where one person holds a majority of shares) is in one of the following situations or not [(if yes, please indicate the name of the concerned applicant(s) if any in the annex to this declaration)]: (PLEASE TICK YES OR NO):**
 |
| SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING, OR CONTROL OVER THE LEGAL PERSON | YES | NO | N/A |
| Situation (c) above (grave professional misconduct) | [ ]  | [ ]  | [ ]  |
| Situation (d) above (fraud, corruption, or other criminal offense) | [ ]  | [ ]  | [ ]  |
| Situation (e) above (significant deficiencies in the performance of a contract ) | [ ]  | [ ]  | [ ]  |
| Situation (f) above (irregularity) | [ ]  | [ ]  | [ ]  |

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| 1. **Declares whether a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations or not (PLEASE TICK YES OR NO OR N/A):**
 |
| **SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON** | YES | NO | N/A |
| Situation (a) above (bankruptcy) | [ ]  | [ ]  | [ ]  |
| Situation (b) above (a breach in payment of taxes or social security contributions) | [ ]  | [ ]  | [ ]  |

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| 1. **Declares whether the above-mentioned person is in one of the following situations or not (PLEASE TICK YES OR NO):**
 |
| **GROUNDS FOR REJECTION FROM THIS PROCEDURE** | YES | NO |
| 1. has not distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;
 | [ ]  | [ ]  |
| 1. has provided accurate, sincere, and complete information to vores bureau within the context of this procurement procedure;
 | [ ]  | [ ]  |

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| 1. **Acknowledges that 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.**
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| 1. **Declares whether the above-mentioned person complies with the qualification and assessment criteria as provided in the tender specifications (PLEASE TICK YES OR NO):**
 |
| **SELECTION CRITERIA** | YES | NO |
| 1. It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in the tender specifications;
 | [ ]  | [ ]  |
| 1. It fulfills the applicable technical and professional criteria indicated in the tender specifications.
 | [ ]  | [ ]  |

1. Remedial measures

If the applicant declares one of the situations of exclusion listed above, it should indicate the measures it 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 relevant documentary evidence which illustrates the remedial measures taken must be provided in the annex to this declaration. This does not apply to situations referred to in point (d) of this declaration.

1. Evidence upon request

Upon request and within the time limit set by vores bureau, any applicant must provide information on the persons that are members of the administrative, management, or supervisory body of the organisation applying. It must also provide the following evidence concerning the applicant itself and concerning the natural or legal persons which assume unlimited liability for the debt of the applicant:

For situations described in (a), (c), (d), or (f), 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.

For the situation described in point (a) or (b), the production of recent certificates issued by the competent authorities of the State concerned is required. These documents must provide evidence covering all taxes and social security contributions for which the applicant 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 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 selected to be awarded the contract, the applicant accepts the general conditions for tendering as attached to this tender.

Full name Date Signature

**DISCLAIMER**

This document is part of the EEPLIANT3 concerted action that has received funding from the European Union’s Horizon 2020 research and innovation programme under grant agreement No 832558.

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