

## Application Form Part B

	<b>EUROPEAN COMMISSION</b>	<b>CONNECTING EUROPE FACILITY TRANSPORT</b>	<b>B1</b>
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### DECLARATION FORM OF PUBLIC OR PRIVATE UNDERTAKINGS OR BODIES APPLYING FOR EU FINANCIAL AID

In accordance with Article 196 of Regulation 2018/1046<sup>1</sup> on the content of grant applications, I declare on my honour that:

I. the body or undertaking I am representing is **NOT** in any of the following situations which would exclude it from participating in a grant award procedure *(If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned body or undertaking 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 EU or national laws 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 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 and 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 Commission/ the Agency during the award procedure;
- (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 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 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

<sup>1</sup> Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012 (OJ-L 193/30.07.2018, p.1)

<p>May 1997, and conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in the applicable law;</p>
<ul style="list-style-type: none"> <li>•(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;</li> </ul>
<ul style="list-style-type: none"> <li>•(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;</li> </ul>
<ul style="list-style-type: none"> <li>•(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;</li> </ul>
<ul style="list-style-type: none"> <li>•(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;</li> </ul>
<p>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 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;</p>
<p>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;</p>
<p>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 of mandatory application in the jurisdiction of its registered office, central administration or principal place of business;</p>
<p>h) (<i>only for legal persons and entities without legal personality</i>) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g);</p>
<p>i) for the situations referred to in points (c) to (h) above the person is subject to:</p> <ol style="list-style-type: none"> <li>i. facts established in the context of audits or investigations carried out by the European Public Prosecutor’s Office after its establishment, the Court of Auditors, the European Anti-Fraud Office or internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;</li> <li>ii. non-final judgments 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;</li> <li>iii. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;</li> <li>iv. information transmitted by Member States implementing Union funds;</li> <li>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; or</li> <li>vi. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.</li> </ol>

- II. the body or undertaking I am representing undertakes to provide, as soon as possible, the documents referred to in Articles 137 and point 18.1 of Annex I of Regulation 2018/1046 at the request of the European Commission/ Agency, failing which the grant may not be awarded in accordance with Article 196 of Regulation 2018/1046;
- III. this application for funding is not the subject of any other application for funding under the EU budget and that the body or undertaking I am representing has not received any other Union funding to carry out the action subject to this grant application.
- IV. If applicable (in case the applicant is a private body or undertaking): In accordance with Article 196 of Regulation 2018/1046, the private body or undertaking I am representing has the financial and operational capacity to complete the action proposed in this grant application.
- V. the body or undertaking I am representing was **NOT** previously involved in the preparation of 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.

*If any of the requirements listed in points II to V is NOT satisfied, please indicate in annex to this declaration which and the name(s) of the concerned entity(ies) with a brief explanation.*

### Remedial measures

If for the body or undertaking subject to this declaration it has been declared that it is in one of the situations of exclusion listed above (section I), an annex to this declaration must indicate the measures the body or undertaking 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 or of any taxes or social security contributions. The annex must include relevant documentary evidence which illustrates the remedial measures taken. This does NOT apply for situations referred in point (d) of this declaration.

### Evidence upon request

The Commission/Agency may request the body or undertaking subject to this declaration to provide information and the applicable evidence concerning the body or undertaking itself and/or on any person that is member of an administrative, management or supervisory body (persons with powers of representation, decision or control, including within the ownership and control structure and beneficial owners, with regard to that body or undertaking).

Evidence may be requested as follows:

- For situations described in (a), (c), (d),(f), (g) and (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 entity showing that those requirements are satisfied.
- For the situation described in point (b), production of recent certificates 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 entity 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 an entity has already submitted such evidence for the purpose of another award procedure and provided that the submitted documents are still valid and that the time that has elapsed since the issuing date of the documents does not exceed one year, the entity will be requested to declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

If selected to be awarded a grant, the body or undertaking subject to this declaration accept(s) the terms and conditions laid down in the grant agreement.

**The body or undertaking subject to this declaration may be subject to rejection from this procedure and to administrative sanctions (exclusion) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.**

Done in: \_\_\_\_\_ on \_\_\_\_\_

Full name:

Function:

Representing the following body or undertaking (full official name and address, and if any, VAT/Registration number):

Full official name:

Official legal form:

Statutory registration number:

Full official address:

VAT registration number:

Signature: \_\_\_\_\_