

**CONCERTED ACTION SUPPORTING THE TRANSPOSITION AND IMPLEMENTATION
OF DIRECTIVE (EU) 2018/2001 ON THE PROMOTION OF THE USE OF ENERGY FROM RENEWABLE
SOURCES (RECAST) - CA-RES4 [GA: 101035887]**

WP 3– Core Themes

ANNEX ./B

Declaration of honour

CT6 - Consultancy Services as coordinator and permanent member of the task force on Guarantees of Origin and consumer information

- I. The undersigned [insert full name], [insert capacity/role of the signatory of this form], representing the Service Provider [insert registered (company) name] declares:

<i>(only for natural persons)</i> for himself or herself	<i>(only for legal persons)</i> for the following legal person:
(hereafter “the Applicant”)	
ID or passport number:	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number:



(1) Declares whether the Applicant is in one of the following situations or not (PLEASE TICK YES OR NO):		
	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 national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision that the Applicant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting entity is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement or a final administrative decision that the Applicant is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the Applicant 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 in the course of awarding proceedings for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting entity;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages during the award of the contract	<input type="checkbox"/>	<input type="checkbox"/>
d) it has been established by a final judgement that the Applicant is guilty of any 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;	<input type="checkbox"/>	<input type="checkbox"/>
(i) 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 entity is located, the country in which the Applicant is established or the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>



(1) Declares whether the Applicant is in one of the following situations or not (PLEASE TICK YES OR NO):		
	YES	NO
(iv) 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;	<input type="checkbox"/>	<input type="checkbox"/>
(v) 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;	<input type="checkbox"/>	<input type="checkbox"/>
e) the Applicant 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;	<input type="checkbox"/>	<input type="checkbox"/>
f) it has been established by a final judgment or final administrative decision that the Applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of a contract or irregularity, the Applicant is subject to: <ul style="list-style-type: none"> (i) 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 of an EU agency or body; (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) decisions of the ECB, the EIB, the European Investment Fund or international organisations; (iv) 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 (v) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body. 	<input type="checkbox"/>	<input type="checkbox"/>

(2) declares whether a natural person who is a member of the administrative, management or supervisory body of the Applicant, or who has powers of representation, decision or control with regard to the 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 in annex to this declaration)]: (PLEASE TICK YES OR NO):			
	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(3) Declares whether a natural or legal person that assumes unlimited liability for the debts of the Applicant is in one of the following situations or not (PLEASE TICK YES OR NO OR N/A):			
	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(4) Declares whether the Applicant and/or related personell is in one of the following situations or not (PLEASE TICK YES OR NO):		
	YES	NO
a) has not distorted competition by being previously involved in the preparation of procurement documents for this invitation for offer;	<input type="checkbox"/>	<input type="checkbox"/>
b) has provided accurate, sincere and complete information to the contracting entity (Österreichische Energieagentur - Austrian Energy Agency) within the context of this invitation for offer;	<input type="checkbox"/>	<input type="checkbox"/>

(5) Acknowledges that the Applicant and/or key personell may be rejected by the contracting entity (Österreichische Energieagentur - Austrian Energy Agency) and the Applicant subject to sanctions (exclusion or financial penalty) if any of the declarations or information provided prove to be false.

(6) Declares whether the Applicant complies with the criteria as provided in the invitation for offer (PLEASE TICK YES OR NO):		
	YES	NO
a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the services outlined in Annex A of the invitation for offer;	<input type="checkbox"/>	<input type="checkbox"/>
b) It fulfills the applicable technical and professional criteria required to perform the services as outlined in the invitation for offer.	<input type="checkbox"/>	<input type="checkbox"/>

II. Remedial measures

If the Applicant declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy this 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 annex to this declaration. This does not apply for situations referred in point (1d) and 4 of this declaration.



III. Evidence upon request

Upon request and within the time limit set by the contracting entity (**Österreichische Energieagentur - Austrian Energy Agency**), the Applicant must provide

- information on the persons that are members of its management or supervisory body.
- recent extract from the **criminal record** (or judicial record of the competent offices/authorities abroad) for the members of the management (in the case of legal entities, partnerships under commercial law or registered commercial companies) or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment showing that situations described in (a), (c), (d) or (f) are satisfied.
- recent extract from the commercial register, trade register or equivalent proof of entry in a professional or commercial register of the country of origin.
- Last valid bank statement or a clearance certificate from the competent social security institution confirming that the obligations to pay social security contributions have been fulfilled.
- Recent notification from the competent tax authority as proof of fulfilment of the obligation to pay all taxes for which the Applicant is liable.

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 and special terms and conditions of contract outlined under <https://www.energyagency.at/en/conditions-of-engagement>.

Full name

Date

Signature

