

Annex I - Declaration on honour

Ref: CALL FOR PROPOSALS N° GR/001/21 - Ideas powered for business SME FUND

Each applicant is required to read and accept all the statements and declarations contained in this document. Acceptance of this declaration is evidenced by the submission of an application, which is deemed equivalent to the signature of the declaration. Reference to the applicant should be read as reference to the SME that submits an application.

The applicant:

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| (1) declares that it is eligible in accordance with the criteria set out in the call for proposals; |
| (2) declares that it has the financial and operational capacity to carry out the proposed action(s); |
| (3) declares that it has not received any other Union funding to carry out the project(s) subject of this grant application and commits to declare immediately to the Office any other such Union funding it would receive until the end of the action(s). |

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

I – SITUATIONS OF EXCLUSION CONCERNING THE APPLICANT

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| (4) declares that it is NOT in one of the following situations [<i>If yes, please indicate in annex to this declaration which situation and the name(s) of the SME with a brief explanation</i>]: |
| 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 Union or national law; |
| 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 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 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 Office during the award procedure; |

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| (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 any 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 active corruption within the meaning of 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 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in other applicable laws; |
| (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; |
| 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; |
| (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 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 the applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) N° 2988/95; |
| g) it has been established by a final judgment or final administrative decision that the applicant 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; |
| h) it has been established by a final judgment or final administrative decision that the applicant has been created with the intent provided for in point (g); |
| i) for the situations referred to in points (c) to (h) above 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 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; 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; iii. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks; iv. information transmitted by Member States implementing Union funds; 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 |

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| vi. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body. |
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II – SITUATIONS OF EXCLUSION CONCERNING A NATURAL PERSON WHO IS ESSENTIAL FOR THE AWARD OR THE IMPLEMENTATION OF THE ACTION OR WORK PROGRAMME SUBJECT TO THE GRANT APPLICATION¹

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| (5) declares that a natural person who is essential for the award or for the implementation of the action(s) subject to the grant application is not in one of the following situations <i>If yes, please indicate in annex to this declaration which situation and the name of the SME, the name(s) of the concerned person(s) and a brief explanation:</i> |
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| Situation (c) above (grave professional misconduct) |
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| Situation (d) above (fraud, corruption or other criminal offence) |
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| Situation (e) above (significant deficiencies in performance of a contract) |
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| Situation (f) above (irregularity) |
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| Situation (g) above (creation of an entity with the intent to circumvent legal obligations) |
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| Situation (i) above |
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III – SITUATIONS OF EXCLUSION CONCERNING BENEFICIAL OWNERS AND NATURAL OR LEGAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL

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| (6) declares that a natural or legal 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 e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the applicant (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is not in one of the following situations. <i>If yes, please indicate in annex to this declaration which situation and the name of the SME, the name(s) of the concerned person(s) and a brief explanation.</i> |
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| - situation (c) above (grave professional misconduct) |
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| - situation (d) above (fraud, corruption or other criminal offence) |
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| - situation (e) above (significant deficiencies in performance of a contract) |
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| - situation (f) above (irregularity) |
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| - situation (g) above (creation of an entity with the intent to circumvent legal obligations) |
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| - situation (h) above (person created with the intent to circumvent legal obligations) |
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| - situation (i) above |
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¹ Where the natural person has been defined in the grant application as essential for the award or for implementation of the legal commitment in the meaning of Article 136(4)(c) Financial Regulation (e.g. principal investigator in a research project)

IV – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE APPLICANT

This section applies only to declarations that include an applicant for which a natural or legal person assumes unlimited liability for debts

(7) declares that a natural or legal person that assumes unlimited liability for the debts of the applicant is **not** in one of the following situations. **If yes, please indicate in annex to this declaration which situation and the name of the SME, the name(s) of the concerned person(s) and a brief explanation.**

- situation (a) above (bankruptcy)

- situation (b) above (breach in payment of taxes or social security contributions)

V – GROUNDS FOR REJECTION FROM THIS PROCEDURE

(8) declares that the applicant:

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 yes, please indicate in annex to this declaration the name(s) of the concerned person(s) with a brief explanation.**

VI - REMEDIAL MEASURES

If the applicant declare one of the situations of exclusion listed above, it must indicate 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 or of any taxes or social security contributions. 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 (d) of this declaration.

VII - EVIDENCE UPON REQUEST

The Office may request any applicant to provide information and the applicable evidence on any natural or legal person that is member of an administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and controle structure and beneficial owners, as well as on a natural persons who are essential for the award or for the implementation of the action or work programme subject to the grant application.

The Office may request any applicant to provide the applicable evidence concerning the applicant itself and the natural or legal persons which assume unlimited liability for the debts of the applicant.

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 applicant 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. These documents must provide evidence covering all taxes and social security contributions for which the applicant is liable, including for example, VAT, company tax 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 a grant, the applicant accept(s) the terms and conditions laid down in the grant decision.

The applicant must immediately inform the Office of any changes in the situations as declared.

The applicant 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.