Annex II – Service concession ref. EMA/2014/35/RE

Exclusion criteria declaration upon honour and detail of supporting documentation required

It is MANDATORY to complete all parts highlighted in grey.

The undersigned (insert name of the signatory of this form):

◯ representing the following legal person: (only if the economic operator is a legal person)

full official name:

official legal form:

full official address:

VAT registration number:

OR

◯ in his own name (only if the economic operator is a natural person)

- declares that the above-mentioned legal person[1] 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 professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;

c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;

d) is not in compliance with all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the European Medicines Agency and those of the country where the concession is to be performed;

e) has been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the European Union's financial interests;

[1] In case of NATURAL person, replace “the above-mentioned legal person” by “he or she”

f) is a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the Agency as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the European Union's budget.

- declares that the natural persons with power of representation, decision-making or control[2] over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

- declares that the above-mentioned legal person [3]:

g) has no conflict of interest in connection with the concession; 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;

h) will inform the Agency, 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 concession;

j) provided accurate, sincere and complete information to the Agency within the context of this concession proposal;

- acknowledges that the above-mentioned legal person [4] may be subject to administrative and financial penalties[5] if any of the declarations or information provided prove to be false.

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

- For situations described in (a), (b) 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 applicant is a legal person and the national legislation of the country in which the applicant 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 applicant.
- For the situation described in point (d) 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 applicant is liable, 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.

2 This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

3 In case of NATURAL person, replace “the above-mentioned legal person” by “he or she”

4 In case of NATURAL person, replace “the above-mentioned legal person” by “he or she”

5 As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation

If the applicant is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the Agency.

Date:	Signature of authorised representative:
	(Print name):
	Position in Company:
	Representing (name of applicant):