

*To be printed on applicant's letterhead*

### **DECLARATION BY THE APPLICANT**

I, the undersigned, **[name, first name]**, **[function]** of **[name of public body]**, authorised to represent the applicant, hereby request from the EIB a grant with a view to implementing the action / work programme on the terms laid down in this application.

I certify that the information contained in this application is correct and that the applicant organisation has **not received or applied for any other Community funding** to carry out the action / work programme which is the subject of this grant application.

I certify on my honour that the applicant organisation is not in one of the situations which would exclude it from taking part in a Community grant programme and **accordingly declare that the applicant organisation is not under one of the following situations:**

- (a) is bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are 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 which has the force of res judicata;
- (c) has been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) has not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- (e) has been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) is currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation applicable to the general budget of the Communities;
- (g) is faced with a conflict of interest;
- (h) is guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procedure or fail to supply this information.

I have been informed that, under the Financial Regulation of 25 June 2002 applicable to the general budget of the European Communities,<sup>1</sup> applicants found guilty of false declarations may be subject to administrative and financial penalties in accordance with the conditions laid down in that Regulation.

<sup>1</sup> Official Journal L 248, 16.9.2002 amended by Council Regulation (EC, Euratom) N° 1995/2006 of 13 December 2006 (OJ L 390/2006 of 30 December 2006).

Without prejudice to the application of penalties laid down in the contract, candidates and contractors who have made false declarations, have made substantial errors or committed irregularities or fraud, or have been found in serious breach of their contractual obligations may be excluded from all contracts and grants financed by the Community budget for a maximum of five years from the date on which the infringement is established as confirmed following and adversarial procedure with the contractor. That period may be extended to ten years in the event of a repeated offence within five years of the date referred to in the first subparagraph.

Candidates who have made false declarations, have submitted substantial errors, irregularities or fraud, may also be subject to financial penalties representing 2% to 10% of the total estimated value of the contract being awarded. Contractors who have been found in serious breach of their contractual obligations may be subject to financial penalties representing 2% to 10% of the total value of the contract in question. The rate may be increased to 4% to 20% in the event of a repeat infringement within five years of the date on which the infringement is established as confirmed following and adversarial procedure with the contractor.

**Name of organisation:**

**Name / first name of legal representative:**

**Title or position in the applicant organisation:**

**Signature and official stamp of applicant:**

**Date:**

Your grant application will be processed by computer. All personal data (such as names, addresses, CVs, etc.) will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.<sup>2</sup> Your replies to the questions in this form are necessary in order to assess your grant application and they will be processed solely for that purpose by the department responsible for the Community grant programme concerned. On request, you may be sent personal data and correct or complete them. For any question relating to these data, please contact the EIB to which the form must be returned. Beneficiaries may lodge a complaint against the processing of their personal data with the European Data Protection Supervisor at any time.

If, at any stage of the administrative treatment of grant applications, the persons or entities concerned consider that they have been affected by an instance of maladministration, they may, irrespective of any other means of redress, make a complaint to the European Ombudsman in accordance with Article 195(1) of the EC Treaty and as provided by the Parliament Decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties published in Official Journal of the European Communities L 113 of 4 May 1994.

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<sup>2</sup> Official Journal L 8, 12.1.2001.