

Annex E. Declaration of honour

I, the undersigned:

[insert name and surname], born at [insert place and country] on DD/MM/YYYY,

representing the following legal entity:

[insert full official name]

[insert official legal form]

[insert full official address]

[insert VAT registration number OR tax/social security registration code]

hereby certify

that I irrevocably accept all the terms and conditions set out in the Request for Applications, and in particular that:

- 1 — the information I have provided in the application form is accurate and correct;
- 2 — the information I have given concerning the legal status is correct;
- 3 — I comply now and will comply for the duration of the Sub-grant agreement concluded with Cnam should a Sub-grant be awarded, with all the eligibility and evaluation criteria, as defined in the SOILCRATES Request for Applications for Pilot Proposals;
- 4 — I am committed to act as coordinator of the proposed Pilot Action, and I have both the financial and the operational capacity to do so;
- 5 — In case the proposal is Sub-granted, I commit to signing the Sub-grant agreement as Third Party to the SOILCRATES consortium, accepting the terms and conditions laid down in the Sub-grant agreement/award decision and without making any change to the scope and contents of the Pilot Project as stated in the Implementation Plan and bringing it to successful conclusion within the time frame originally stated;
- 6 — I am in possession of stable and sufficient resources to carry out the proposed activities throughout the duration of the aforementioned pilot action and will provide any counterpart funding as and when needed;
- 7 — I will inform Cnam of any other grant application or funding from the EU or Euratom budget related to this action;
- 8 — the conditions specified in Articles 12 (Conflict of interest), 13 (Confidentiality and Security), 14 (Ethics), 17.2 (Visibility of EU funding), 18 (Specific rules for carrying out the action), 10 (Information), 20 (Record keeping) and 25 (Checks, Reviews, Audits and Investigation) of the HE AGA are all satisfied;
- 9 — I am aware that the European Commission and/or Cnam may impose administrative or financial penalties on applicants who:
 - are guilty of misrepresentation in supplying the information required as a condition of participation in the Sub-grant award procedure or fail to supply this information;
 - have been declared to be in serious breach of their obligations under any contract, grant or Sub-grant agreement covered by the budget of the European Commission.

Such penalties will be proportionate to the importance of the Subgrant agreement and the seriousness of the misconduct, and may consist in the exclusion from this procedure as well as from other contracts, grants or Sub-grants financed by the EU or Euratom budget and the payment of financial penalties;

10 — In case for any reason and at any point in time the proposal is disqualified, I commit to refunding Cnam of any payment duly received prior to the disqualification of the proposal;

further declare

that I and/or the legal entity I represent are not in any of the following situations:

a) Bankrupt, subject to insolvency or winding up procedures, with assets being administered by a liquidator or by a court, or in an arrangement with creditors, or with business activities suspended or in any analogous situation arising from a similar procedure provided for under national legislation or regulations;

b) As established by a final judgement or final administrative decision, in breach of obligations relating to the payment of taxes or social security contributions in accordance with the laws of the country of establishment, those of France or those of the country of the performance of the contract;

c) As established by a final judgement or final administrative decision, guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the entity 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 Review Committee during the award procedure;
- v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

d) As established by a final judgement, guilty of either of the following:

- (i) Fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and 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;
- (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 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 of France, the country in which the entity is established or the country of the performance of the contract;
- (iii) Participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;
- (iv) Money laundering or terrorist financing, as defined in Articles 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) Having 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 European 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) As established by a final judgement or a final administrative decision, having committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;

g) As established by a final judgement or a final administrative decision, having 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) As established by a final judgement or a final administrative decision, it has been created as an entity with the intent provided for in point (g);

i) For the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, it is subject to:

- i. Facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office, 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 European Commission relating to the infringement of the Union's competition law or of a national competent authority relating to the infringement of Union or national competition law;
- vi. Decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body;

j) Any natural persons who are essential for the implementation of the pilot project, or who are members of the administrative, management or supervisory bodies or who have powers of representation, decision or control (this covers directors, members of management or supervisory bodies, and cases where one person holds a majority of shares) or a beneficial owner of the person(s) (as referred to in point 6 of article 3 of Directive (EU) No 2015/849), are in any of the following situations:

- situation (c) above (grave professional misconduct)
- situation (d) above (fraud, corruption or other criminal offence)
- situation (e) above (significant deficiencies in performance of a contract)
- situation (f) above (irregularity)
- situation (g) above (creation of an entity with the intent to circumvent legal obligations)
- situation (h) above (entity created with the intent to circumvent legal obligations);

k) Any natural persons mentioned above have been 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;

and acknowledge

- that the European Commission and/or Cnam may request at any time to provide general information and applicable evidence on the applicant's legal status as well as concerning any person that is member of an administrative, management or supervisory body (persons with powers of representation, decision or control, or 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;
- that the above evidence may be requested as follows:
 - o For situations described in (a), (c), (d), (f), (g) or (h), production of a recent extract from the judicial record, 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;
 - o 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 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;
 - o If an entity has already submitted such evidence for other purpose of the same procedure and provided that the submitted documents are still valid and that the time elapsed since the issuing date of the documents does not exceed one year, the entity shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation;
- that if any declaration or information provided as a condition for participating in this procedure prove to be false, the entity I represent will be subject to rejection from this procedure and to administrative sanctions;
- that any personal data concerning this procedure shall be collected, processed and published in accordance with Regulation (EU) 2016/679, also known as GDPR (General Data Protection Regulation);
- that any confidential information provided in the context of the FSTP Request for Applications shall be expressly annotated, and the limits of its authorised handling specified beforehand to Cnam.

SIGNATURE

For the Applicant

[function/forename/surname]

[ID card or passport number and date of expiry]

Done at [place] on [time stamp]

Disclaimer

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