

## Annex I

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or tenderers to who the contract will be awarded	
	Procurement (Article 93(2) FR; Article 134 IR)	
<p><b>1. Exclusion from a procurement procedure, Article 93(1) FR :</b>  <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i></p>		
<p><b>1.1. (subparagraph a)</b>  <i>they are bankrupt or being wound up,</i>   <i>are having their affairs administered by the courts,</i>   <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i>   <i>or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations<sup>1</sup>;</i></p>	<p>Recent extract from the judicial record  <b>or</b>                      recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance  <b>or</b>                      Where no such certificate is issued in the country concerned : 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</p>	
<p><b>1.2. (subparagraph b)</b>  <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata<sup>2</sup>;</i></p>	<p>Cf. supporting documents for Article 93(1)(a) FR above</p>	

<sup>1</sup> See also Article 134(3) IR : Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in paragraphs 1 and 2 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

<sup>2</sup> Cf. footnote n° 1.

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	Procurement (Article 93(2) FR; Article 134 IR)	
<b>1.3. (subparagraph c)</b> <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i>	Declaration by the candidate or tenderer that he is not in the situation described	
<b>1.4. (subparagraph d)</b> <i>they have 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<sup>3</sup>;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described <b>or</b> Where no such certificate is issued in the country concerned: 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	
<b>1.5. (subparagraph e)</b> <i>they have 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<sup>4</sup>;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
<b>1.6. (subparagraph f)</b> <i>they are currently subject to an administrative penalty referred to in Article 96(1)<sup>5</sup>. »</i>	Declaration by the candidate or tenderer that he is not in the situation described	

<sup>3</sup> Cf. footnote n°1.

<sup>4</sup> Cf. footnote n° 1.

<sup>5</sup> Article 96(1) FR: The contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94;

(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or tenderers to who the contract will be awarded	
	Procurement	Grants
<b>2. Exclusion from a procurement or grant award procedure Article 94 FR :</b> « <i>Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>		
<b>2.1. (subparagraph a)</b>  <i>are subject to a conflict of interest;</i>	Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal	
<b>2.2. (subparagraph b)</b> <i>are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information»<sup>1</sup>.</i>	No specific supporting documents to be supplied by the applicant, tenderer or bidder  It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete <sup>2</sup> and to identify any misrepresentation	

<sup>1</sup> Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within a specified time-limit. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional proof or to clarify the supporting documents establishing financial and operational capacity, within a specified time-limit. »

<sup>2</sup> Cf. footnote n°1