

## **Annex 5: Grounds for Exclusion from Participation in the Call for Proposals**

Applicants will be excluded from participation in this call for proposals if:

- a)** they are 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)** they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*; (i.e. against which no appeal is possible);
- c)** they have been guilty of grave professional misconduct proven by any means which the Contracting Authority can justify;
- d)** 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;
- e)** 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 EU's financial interests;
- f)** they are currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation (BUDGET)/ Article 99 of the Financial Regulation.

The cases referred to in point (e) applicable are the following:

- 1)** cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests drawn up by the Council Act of 26 July 1995 (OJ C 316, 27.11.1995, p.48.)
- 2)** cases of corruption as referred to in 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 (OJ C 195, 25.6.1997, p.1.)
- 3)** cases of participation in a criminal organisation, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council (OJ L 351, 29.12.1998)
- 4)** cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC (OJ L 166, 28.6.1991, p. 77.; OJ L 344, 28.12.2001, p.76).

Contracts may not be awarded to applicants who, during the procedure for awarding grants:

- a)** are subject to a conflict of interest;
- b)** 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;