**ANNEX A2**

**Declaration by the potential SPF Beneficiary**

to the Application form for potential SPF Beneficiary

The potential SPF Beneficiary, represented by the undersigned, hereby declares that:

* the potential SPF Beneficiary has the sources of financing to ensure the SPF co-financing as mentioned in p. 10.2 of the Programme Manual;
* the potential SPF Beneficiary is directly responsible for the preparation, management and implementation of the SPF and is not acting as an intermediary;
* the potential SPF Beneficiary is not in any of the situations excluding it from participating in contracts which are listed in Article 136 (1) of the Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, which means that it will be excluded from participation in grant award procedures if:

1. it is a bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended, or it is in any analogous situation arising from a similar procedure provided for under Union or national law;
2. it has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
3. it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or 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;
4. it has been established by a final judgment that the person or entity is guilty of fraud, corruption, conduct related to a criminal organisation, money laundering or terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or other offences concerning trafficking in human beings;
5. it has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the budget which has led to the early termination of a legal commitment, led to the application of liquidated damages or other contractual penalties or been discovered by an authorising officer, European Anti-Fraud Office (OLAF) or the Court of Auditors following checks, audits or investigations;
6. it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity;
7. it has been established by a final judgment or final administrative decision that the person or entity has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business;
8. it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (g).

Point (a) of the first subparagraph shall not apply in the case of the purchase of supplies on particularly advantageous terms from a supplier which is definitively winding up its business activities or the liquidators in an insolvency procedure, an arrangement with creditors, or a similar procedure under Union or national law.

* the potential SPF Beneficiary is not in any of the situations excluding it from participating in contracts which are listed in Article 141 (1) of the Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, which means that it will be excluded from participation in procurement procedures if it:

1. is in an exclusion situation established in accordance with Article 136 of that Regulation;
2. has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;
3. was previously involved in the preparation of documents used in the award procedure where this entails a breach.

* The potential SPF Beneficiary is in a position to deliver immediately, upon request, the supporting documents stipulated under section 6.3.1 of the Programme Manual;
* If recommended to be awarded a grant, the potential SPF Beneficiary accepts the contractual conditions as laid down in the grant contract (Annex 6.2 to the Programme Manual);
* The potential SPF Beneficiary is aware that, for the purposes of safeguarding the financial interests of the European Union, its personal data may be transferred to internal audit services, to the European Court of Auditors or to the European Anti-Fraud Office (OLAF) and between authorising officers of the Commission;
* The potential SPF Beneficiary ensures no overlapping or duplication of the SPF financing with other aid programmes;
* The potential SPF Beneficiary will keep the documents related with the implementation of the SPF for at least five years from the date of payment of the balance for the SPF;
* The potential SPF Beneficiary declares execution of the SPF management responsibilities **impartially** and objectively, avoiding **conflict of interest** pursuant to Art. 61 Financial Regulation**[[1]](#footnote-1)**.
* The potential SPF Beneficiary will undertake all necessary precautions to avoid conflicts of interests and shall inform the Joint Secretariat of the Programme without delay of any situation constituting or likely to lead to any such conflict. If such a conflict occurs, the SPF Beneficiary shall take all necessary steps to resolve it immediately. Failure to take all necessary steps to eliminate the situation constituting the conflict of interest results in ineligibility of relevant expenditures (e.g. 100% of expenditures within the small project);
* The potential SPF Beneficiary confirms that none of the institutions, involved in or supported directly or indirectly the Russian military aggression against Ukraine, will be involved in the SPF implementation on any level.

Signed on behalf of the potential SPF Beneficiary:

|  |  |
| --- | --- |
| **Name[[2]](#footnote-2)** |  |
| **Position** |  |
| **Signature and stamp** |  |
| **Date and place** |  |

1. Regulation (Eu, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the Financial Rules Applicable to the General Budget of the Union, Amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU And Repealing Regulation (EU, Euratom) No 966/2012 [↑](#footnote-ref-1)
2. The relevant document authorizing the undersigned to represent the organisation shall be annexed to the declaration (Annex A6 to the Application form). [↑](#footnote-ref-2)