

Commission Implementing Regulation (EU) 2016/7 of 5
January 2016 establishing the standard form for the European
Single Procurement Document (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/7

of 5 January 2016

establishing the standard form for the European Single Procurement Document

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC⁽¹⁾, and in particular Article 59(2) thereof, and to Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC of the European Parliament and of the Council⁽²⁾, and in particular Article 80(3) thereof,

Whereas:

- (1) One of the major objectives of Directives 2014/24/EU and 2014/25/EU is the lessening the administrative burdens of contracting authorities, contracting entities and economic operators, not least small and medium-sized enterprises. A key element of that effort is the European single procurement document (ESPD). The standard form for the ESPD should consequently be drafted in such a manner that the need to produce a substantial number of certificates or other documents related to exclusion and selection criteria is obviated. With the same objective in mind, the standard form should also provide the relevant information in respect of entities on whose capacities an economic operator relies, so that the verification of that information can be carried out together with the verification in respect of the main economic operator and on the same conditions.
- (2) The ESPD should also be available for use by contracting entities which are subject to Directive 2014/25/EU and which, when applying the exclusion and selection criteria provided for under Directive 2014/24/EU, must do so in the same way and under the same conditions as contracting authorities.
- (3) To avoid administrative burdens for the contracting authorities and contracting entities and possible contradictory indications in the different procurement documents, the information which economic operators must provide in the ESPD should be clearly indicated by the contracting authorities and contracting entities in advance in the call for competition or through references therein to other parts of the procurement documents, which the economic operators must in any case examine carefully in view of their participation and possible submission of tenders.

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- (4) The ESPD should also contribute to further simplification for both economic operators and contracting authorities and entities by replacing various and diverging national self-declarations with one standard form established at the European level. This should also help to reduce problems linked to the precise drafting of formal statements and declarations of consent as well as language issues, since the standard form will be available in the official languages. The ESPD should thereby facilitate an increased cross-border participation in public procurement procedures.
- (5) Any processing and exchange of data to be performed in connection with the ESPD should be performed in accordance with the national rules implementing Directive 95/46/EC of the European Parliament and of the Council⁽³⁾, and in particular with national rules applicable to the processing of data relating to offences, criminal convictions or security measures under Article 8(5) of said Directive.
- (6) It should be recalled that the Commission shall review the practical application of the ESPD taking into account the technical development of databases in the Member States and report thereon to the European Parliament and the Council by 18 April 2017. In so doing, the Commission may also take into consideration possible suggestions to improve its functionality in view of enhancing the possibilities of cross-border participation in public procurement, not least for SMEs, or potential simplifications within the framework set out by Directive 2014/24/EU; it may as well consider possible issues relating to practices of systematic requests of certificates or other forms of documentary evidence of all participants in a given procurement procedure or practices consisting in identifying in a discriminatory manner the economic operators to be requested such documentation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Advisory Committee on Public Procurement,

HAS ADOPTED THIS REGULATION:

Article 1

From the moment the national measures implementing Directive 2014/24/EU enter into force, and at the latest from 18 April 2016, the standard form set out in Annex 2 to this Regulation shall be used for the purposes of drawing up the European single procurement document referred to in Article 59 of Directive 2014/24/EU. Instructions for its use are set out in Annex 1 to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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Done at Brussels, 5 January 2016.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX 1

Instructions

The ESPD is a self-declaration by economic operators providing preliminary evidence replacing the certificates issued by public authorities or third parties. As provided in Article 59 of Directive 2014/24/EU, it is a formal statement by the economic operator that it is not in one of the situations in which economic operators shall or may be excluded; that it meets the relevant selection criteria and that, where applicable, it fulfils the objective rules and criteria that have been set out for the purpose of limiting the number of otherwise qualified candidates to be invited to participate. Its objective is to reduce the administrative burden arising from the requirement to produce a substantial number of certificates or other documents related to exclusion and selection criteria.

To facilitate the task for economic operators when filling in an ESPD, Member States may issue guidance on the use of the ESPD, for instance to explain which provisions of national law are pertinent in relation to Part III, Section A⁽⁴⁾, that official lists of approved economic operators or equivalent certificates might not be established or issued in a given Member State, or to specify which references and information must be given to enable contracting authorities or contracting entities to retrieve a given certificate electronically.

When preparing the procurement documents for a given procurement procedure, contracting authorities and contracting entities must indicate in the call for competition, in procurement documents referred to in the call for competition or in the invitations to confirm interest which information they will require from the economic operators, including an explicit statement as to whether the information set out under Parts II and III⁽⁵⁾ should or should not be provided in respect of subcontractors on whose capacities the economic operator does **not** rely⁽⁶⁾. They may also make the task easier for economic operators by indicating this information directly in an electronic version of the ESPD, for instance by using the ESPD service <https://webgate.acceptance.ec.europa.eu/growth/tools-databases/ecertis2/resources/espd/index.html>⁽⁷⁾ that Commission Services will make available, free of charge, for contracting authorities, contracting entities, economic operators, providers of electronic services and other interested parties.

Tenders in open procedures and requests for participation in restricted procedures, competitive procedures with negotiations, competitive dialogues or innovation partnerships, must be accompanied by the ESPD, which economic operators have completed in order to deliver the required information⁽⁸⁾. Except in relation to certain contracts based on framework agreements, the tenderer to whom it is intended to award the contract will have to provide up to date certificates and supporting documents.

Member States may regulate or leave it to contracting authorities and contracting entities to decide whether to use the ESPD also as part of procurement procedures not or not fully subject to the detailed procedural rules of Directives 2014/24/EU or 2014/25/EU, for instance for procurement below the relevant thresholds or procurements subject to the particular rules applicable to social and other specific services (the 'light regime')⁽⁹⁾. Similarly, Member States may regulate or leave it to contracting authorities and contracting entities to decide whether to use the ESPD also in connection with the award of concessions contracts, whether or not subject to the provisions of Directive 2014/23/EU⁽¹⁰⁾.

The contracting authority or contracting entity may ask any tenderer at any moment during the procedure to submit all or part of the required certificates and supporting documents where this is necessary to ensure the proper conduct of the procedure.

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Economic operators may be excluded from the procurement procedure or be subject to prosecution under national law in cases of serious misrepresentation in filling in the ESPD or, generally, in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria, or where such information is withheld or the economic operators are unable to submit the supporting documents.

Economic operators may reuse the information that has been provided in an ESPD which has already been used in a previous procurement procedure as long as the information remains correct and continues to be pertinent. The easiest way to do so is by inserting the information in the new ESPD through use of the appropriate functionalities that are provided to that effect in the above-mentioned electronic ESPD-service. Of course, reuse of information through other forms of copy-paste of information, for instance information stored in the economic operator's IT-equipment (PCs, tablets, servers ...), will also be possible.

According to the second subparagraph of Article 59(2) of Directive 2014/24/EU, the ESPD shall be provided exclusively in electronic form; however, this may be postponed until 18 April 2018 at the latest⁽¹¹⁾. This means that both fully electronic and paper-based versions of the ESPD may co-exist until 18 April 2018 at the latest. The just-mentioned ESPD-service will allow economic operators to fill in their ESPD electronically in **all cases**, thus enabling them to draw the full advantages of the facilities offered (not least of reusing information). For use in procurement procedures in which use of electronic means of communication has been postponed (also possible until 18 April 2018 at the latest), the ESPD service allows economic operators to print their electronically filled-in ESPD as a paper document which can then be transmitted to the contracting authority or contracting entity by other means of communication than electronic ones⁽¹²⁾.

As mentioned earlier, the ESPD consists of a formal statement by the economic operator that the relevant grounds for exclusion do not apply, that the relevant selection criteria are fulfilled and that it will provide the relevant information as required by the contracting authority or contracting entity.

Where procurements are divided into lots **and** selection criteria⁽¹³⁾ vary from lot to lot, an ESPD should be filled in for each lot (or group of lots with the same selection criteria).

The ESPD further identifies the public authority or third party responsible for establishing the supporting documents⁽¹⁴⁾ and contains a formal statement to the effect that the economic operator will be able, upon request and without delay, to provide those supporting documents.

Contracting authorities or contracting entities may choose or may be required⁽¹⁵⁾ by Member States to limit the information required on selection criteria to a single question whether, yes or no, economic operators meet all the required selection criteria. While this may be followed up by requests for further information and/or documentation, care should be taken to avoid imposing excessive administrative burdens on economic operators through systematic requests of certificates or other forms of documentary evidence of all participants in a given procurement procedure or practices consisting in identifying in a discriminatory manner the economic operators to be requested such documentation.

The obligations for the contracting authorities and contracting entities to obtain the documentation concerned directly by accessing a national database in any Member State that is available free of charge also applies where the information initially requested on selection criteria has been limited to a yes or no answer. If such electronic documentation is requested, economic operators will therefore provide the contracting authority or contracting entity with the information needed to obtain the documentation concerned when the selection criteria are being checked rather than directly in the ESPD.

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Where an extract from the relevant register, for example judicial records, is available electronically to the contracting authority or contracting entity, the economic operator can state where the information can be found (i.e. the name of the repository, internet address, identification of the file or record etc.) so that the contracting authority or contracting entity may retrieve this information. **By indicating this information, the economic operator agrees that the contracting authority or contracting entity may retrieve the relevant documentation subject to the national rules implementing Directive 95/46/EC⁽¹⁶⁾ on the processing of personal data, and in particular of special categories of data such as on offences, criminal convictions or security measures.**

In accordance with Article 64 of Directive 2014/24/EU of the European Parliament and of the Council, economic operators which are registered on official lists of approved economic operators or possess a relevant certification by bodies established under public or private law may, in respect of the information required under Parts III to V, submit to the contracting authority or contracting entity the certificate of registration issued by the competent authority or the certificate issued by the competent certification body.

An economic operator participating **on its own** and which does **not rely** on the capacities of other entities in order to meet the selection criteria, must fill out **one** ESPD.

An economic operator participating on its own but relying on the capacities of one or more other entities must ensure that the contracting authority or contracting entity receives its own ESPD together with a **separate** ESPD setting out the relevant information⁽¹⁷⁾ for **each of the entities it relies on**.

Finally, where groups of economic operators, including temporary associations, participate together in the procurement procedure, **a separate ESPD** setting out the information required under Parts II to V must be given for **each** of the participating economic operators.

In all cases where more than one person is member of the administrative, management or supervisory body of an economic operator or has powers of representation, decision or control therein, each **may** have to sign the same ESPD, depending on national rules, including those governing data protection.

Concerning the signature(s) of the ESPD, please note that a signature on the ESPD might not be necessary where the ESPD is transmitted as part of a set of documents, whose authenticity and integrity is ensured through the required signature(s) of the means of transmission⁽¹⁸⁾.

For procurement procedures in which a call for competition has been published in the *Official Journal of the European Union*, the information required under Part I will be automatically retrieved, **provided that the above-mentioned electronic ESPD-service is used to generate and fill in the ESPD**.

If there is no call for competition in the OJEU, then the contracting authority or contracting entity must fill in the information allowing the procurement procedure to be unequivocally identified. All other information in all sections of the ESPD is to be filled in by the economic operator

The ESPD includes the following Parts and Sections:

- **Part I. Information concerning the procurement procedure and the contracting authority or contracting entity.**
- **Part II. Information concerning the economic operator.**
- **Part III. Exclusion criteria:**
 - **A: Grounds relating to criminal convictions** (their application is mandatory pursuant to Article 57(1) of Directive 2014/24/EU. Their

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application is also mandatory for contracting authorities pursuant to the second subparagraph of Article 80(1) of Directive 2014/25/EU, whereas contracting entities other than contracting authorities **may** decide to apply these exclusion criteria).

— **B: Grounds relating to the payment of taxes or social security contributions** (their application is mandatory pursuant to Article 57(2) of Directive 2014/24/EU in case of a final and binding decision. Under the same conditions, their application is also mandatory for contracting authorities pursuant to the second subparagraph of Article 80(1) of Directive 2014/25/EU, whereas contracting entities other than contracting authorities **may** decide to apply these exclusion grounds. Please note that national legislation of certain Member States may render exclusion obligatory also where the decision is not final and binding.).

— **C: Grounds relating to insolvency, conflicts of interests or professional misconduct (See Article 57(4) of Directive 2014/24/EU)** (cases in which economic operators may be excluded; application of these exclusion grounds may be rendered obligatory for contracting authorities by their Member States. Pursuant to Article 80(1) of Directive 2014/25/EU all contracting entities, whether or not they are contracting authorities, **may** decide to apply these exclusion grounds or be required by their Member State to do so).

— **D: Other exclusion grounds that may be foreseen in the national legislation of the contracting authority's or contracting entity's Member State.**

— **Part IV. Selection criteria⁽¹⁹⁾:**

— **α: Global indication for all selection criteria**

— **A: Suitability.**

— **B: Economic and financial standing.**

— **C: Technical and professional ability.**

— **D: Quality assurance schemes and environmental management standards⁽²⁰⁾⁽²¹⁾.**

— **Part V. Reduction of the number of qualified candidates⁽²²⁾.**

— **Part VI. Concluding statements.**

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ANNEX 2

STANDARD FORM FOR THE EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)

Part I: Information concerning the procurement procedure and the contracting authority or contracting entity

For procurement procedures in which a call for competition has been published in the *Official Journal of the European Union*, the information required under Part I will be automatically retrieved, provided that the electronic ESPD-service ⁽¹⁾ is used to generate and fill in the ESPD. Reference of the relevant notice ⁽²⁾ published in the *Official Journal of the European Union*:

OJEU S number [], date [], page [],

Notice number in the OJ S: []/[]/S []-[]-[]-[]-[]-[]

If there is no call for competition in the OJEU, then the contracting authority or contracting entity must fill in the information allowing the procurement procedure to be unequivocally identified:

In case publication of a notice in the *Official Journal of the European Union* is not required, please give other information allowing the procurement procedure to be unequivocally identified (e. g. reference of a publication at national level): [...]

INFORMATION ABOUT THE PROCUREMENT PROCEDURE

The information required under Part I will be automatically retrieved, provided that the above-mentioned electronic ESPD-service is used to generate and fill in the ESPD. If not, this information must be filled in by the economic operator.

Identity of the procurer ⁽³⁾	Answer:
Name:	[]
Which procurement is concerned?	Answer:
Title or short description of the procurement ⁽⁴⁾ :	[]
File reference number attributed by the contracting authority or contracting entity (if applicable) ⁽⁵⁾ :	[]

All other information in all sections of the ESPD is to be filled in by the economic operator

⁽¹⁾ Commission Services will make the electronic ESPD-service available, free of charge, for contracting authorities, contracting entities, economic operators, providers of electronic services and other interested parties

⁽²⁾ For contracting authorities: either a Prior Information Notice used as a means of calling for competition or a Contract Notice.
For contracting entities: a Periodic Indicative Notice used as a means of calling for competition, a Contract Notice or a Notice on the Existence of a Qualification System.

⁽³⁾ Information to be copied from Section I, Point I.1, of the relevant notice, In case of joint procurement, please indicate the names of all involved procurers.

⁽⁴⁾ See points II.1.1 and II.1.3 of the relevant notice

⁽⁵⁾ See point II.1.1 of the relevant notice

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Part II: Information concerning the economic operator

A: INFORMATION ABOUT THE ECONOMIC OPERATOR

Identification:	Answer:
Name:	[]
VAT-number, if applicable: If no VAT-number is applicable, please indicate another national identification number, if required and applicable	[] []
Postal address:	[.....]
Contact person or persons ⁽⁶⁾ :	[.....]
Telephone:	[.....]
E-mail:	[.....]
Internet address (web address) (if applicable):	[.....]
General information:	Answer:
Is the economic operator a Micro, a Small or a Medium-Sized Enterprise ⁽⁷⁾ ?	[] Yes [] No
Only in case the procurement is reserved ⁽⁸⁾: is the economic operator a sheltered workshop, a 'social business' ⁽⁹⁾ or will it provide for the performance of the contract in the context of sheltered employment programmes? If yes, what is the corresponding percentage of disabled or disadvantaged workers? If required, please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to?	[] Yes [] No [.....] [.....]
If applicable, is the economic operator registered on an official list of approved economic operators or does it have an equivalent certificate (e.g. under a national (pre)qualification system)?	[] Yes [] No [] Not applicable
If yes: Please answer the remaining parts of this Section, Sections B and, where relevant, C of this Part, complete Part V, where applicable, and, in any case, fill in and sign Part VI. (a) Please provide the name of the list or certificate and the relevant registration or certification number, if applicable: (b) If the certificate of registration or certification is available electronically, please state:	(a) [.....] (b) (web address, issuing authority or body, precise reference of the documentation): [.....][.....][.....][.....]

⁽⁶⁾ Please repeat the information concerning contact persons as many times as needed.
⁽⁷⁾ Cf. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, (OJ L 124, 20.5.2003, p. 36). This information is required for statistical purposes only.
Micro enterprises: enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million.
Small enterprises: an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million;
Medium enterprises, enterprises which are neither micro nor small and which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million,
⁽⁸⁾ See contract notice point III.1.5
⁽⁹⁾ I.e. its main aim is the social and professional integration of disabled or disadvantaged persons.

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<p>(c) Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list ⁽¹⁰⁾:</p> <p>(d) Does the registration or certification cover all of the required selection criteria?</p> <p>If no:</p> <p>In addition, please complete the missing information in Part IV, Sections A, B, C or D as the case may be</p> <p>ONLY if this is required in the relevant notice or procurement documents:</p> <p>(e) Will the economic operator be able to provide a certificate with regard to the payment of social security contributions and taxes or provide information enabling the contracting authority or contracting entity to obtaining it directly by accessing a national database in any Member State that is available free of charge?</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p>(c) [.....]</p> <p>(d) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(e) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(web address, issuing authority or body, precise reference of the documentation):</p> <p>[.....][.....][.....][.....]</p>
Form of participation:	Answer:
Is the economic operator participating in the procurement procedure together with others ⁽¹¹⁾ ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please ensure that the others concerned provide a separate ESPD form.	
If yes:	
(a) Please indicate the role of the economic operator in the group (leader, responsible for specific tasks ...):	(a): [.....]
(b) Please identify the other economic operators participating in the procurement procedure together:	(b): [.....]
(c) Where applicable, name of the participating group:	(c): [.....]
Lots	Answer:
Where applicable, indication of the lot(s) for which the economic operator wishes to tender:	[]

B: INFORMATION ABOUT REPRESENTATIVES OF THE ECONOMIC OPERATOR

Where applicable, please indicate the name(s) and address(es) of the person(s) empowered to represent the economic operator for the purposes of this procurement procedure:

Representation, if any:	Answer:
Full name; accompanied by the date and place of birth, if required:	[.....]; [.....]
Position/Acting in the capacity of:	[.....]
Postal address:	[.....]
Telephone:	[.....]
E-mail:	[.....]
If needed, please provide detailed information on the representation (its forms, extent, purpose ...):	[.....]

⁽¹⁰⁾ The references and the classification, if any, are set out on the certification.

⁽¹¹⁾ Notably as part of a group, consortium, joint venture or similar.

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C: INFORMATION ABOUT RELIANCE ON THE CAPACITIES OF OTHER ENTITIES

Reliance:	Answer:
Does the economic operator rely on the capacities of other entities in order to meet the selection criteria set out under Part IV and the criteria and rules (if any) set out under Part V below?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If yes, please provide a separate ESPD form setting out the information required under **Sections A and B of this Part and Part III for each** of the entities concerned, duly filled in and signed by the entities concerned.

Please note that this should also include any technicians or technical bodies, not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, the technicians or technical bodies upon whom the economic operator can call in order to carry out the work.

Insofar as it is relevant for the specific capacity or capacities on which the economic operator relies, please include the information under Parts IV and V for each of the entities concerned ⁽¹²⁾.

D: INFORMATION CONCERNING SUBCONTRACTORS ON WHOSE CAPACITY THE ECONOMIC OPERATOR DOES NOT RELY

(Section to be filled-in only if this information is explicitly required by the contracting authority or contracting entity.)

Subcontracting:	Answer:
Does the economic operator intend to subcontract any share of the contract to third parties?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes and in so far as known , please list the proposed subcontractors: [...]

If the contracting authority or contracting entity explicitly requests this information in addition to the information under this section, please provide the information required under **Sections A and B of this Part and Part III for each of the (categories of) subcontractors concerned**.

⁽¹²⁾ E.g. for technical bodies involved in quality control: Part IV, Section C, point 3.

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Part III: Exclusion grounds

A: GROUNDS RELATING TO CRIMINAL CONVICTIONS

Article 57(1) of Directive 2014/24/EU sets out the following reasons for exclusion:

1. Participation in a criminal organisation ⁽¹³⁾;
2. Corruption ⁽¹⁴⁾;
3. Fraud ⁽¹⁵⁾;
4. Terrorist offences or offences linked to terrorist activities ⁽¹⁶⁾;
5. Money laundering or terrorist financing ⁽¹⁷⁾;
6. Child labour and other forms of trafficking in human beings ⁽¹⁸⁾.

Grounds relating to criminal convictions under national provisions implementing the grounds set out in Article 57(1) of the Directive:	Answer:
Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for one of the reasons listed above, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable?	<input type="checkbox"/> Yes <input type="checkbox"/> No If the relevant documentation is available electronically, please indicate: (web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....] ⁽¹⁹⁾
If yes , please indicate ⁽²⁰⁾ : (a) Date of conviction, specify which of points 1 to 6 is concerned and the reason(s) for the conviction, (b) Identify who has been convicted []; (c) Insofar as established directly in the conviction:	(a) Date: [], point(s): [], reason(s): [] (b) [.....] (c) Length of the period of exclusion.[.....] and the point(s) concerned [] If the relevant documentation is available electronically, please indicate: (web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....] ⁽²¹⁾
In case of convictions, has the economic operator taken measures to demonstrate its reliability despite the existence of a relevant ground for exclusion ⁽²²⁾ ('Self-Cleaning')?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes , please describe the measures taken ⁽²³⁾ :	[.....]

⁽¹³⁾ As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

⁽¹⁴⁾ As defined 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, OJ C 195, 25.6.1997, p. 1, and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54). This exclusion ground also includes corruption as defined in the national law of the contracting authority (contracting entity) or the economic operator.

⁽¹⁵⁾ Within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 48).

⁽¹⁶⁾ As defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3). This exclusion ground also includes inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision.

⁽¹⁷⁾ As defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

⁽¹⁸⁾ As defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

⁽¹⁹⁾ Please repeat as many times as needed.

⁽²⁰⁾ Please repeat as many times as needed.

⁽²¹⁾ Please repeat as many times as needed.

⁽²²⁾ In accordance with national provisions implementing Article 57(6) of Directive 2014/24/EU.

⁽²³⁾ Taking into account the character of the crimes committed (punctual, repeated, systematic ...), the explanation should show the adequacy of the measures to taken.

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B: GROUNDS RELATING TO THE PAYMENT OF TAXES OR SOCIAL SECURITY CONTRIBUTIONS

Payment of taxes or social security contributions:	Answer:	
Has the economic operator met all its obligations relating to the payment of taxes or social security contributions, both in the country in which it is established and in Member State of the contracting authority or contracting entity if other than the country of establishment?	[] Yes [] No	
If not , please indicate:	Taxes	Social contributions
	(a) Country or Member State concerned	(a) [.....]
(b) What is the amount concerned?	(b) [.....]	(b) [.....]
(c) How has this breach of obligations been established:		
(1) Through a judicial or administrative decision:	(c1) [] Yes [] No	(c1) [] Yes [] No
— Is this decision final and binding?	— [] Yes [] No	— [] Yes [] No
— Please indicate the date of conviction or decision.	— [.....]	— [.....]
— In case of a conviction, insofar as established directly therein , the length of the period of exclusion:	— [.....]	— [.....]
(2) By other means? Please specify:	(c2) [.....]	(c2) [.....]
(d) Has the economic operator fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines?	(d) [] Yes [] No If yes , please provide details: [.....]	(d) [] Yes [] No If yes , please provide details: [.....]
If the relevant documentation concerning payment of taxes or social contributions is available electronically, please indicate:	(web address, issuing authority or body, precise reference of the documentation) ⁽²⁴⁾ : [.....] [.....] [.....]	

C: GROUNDS RELATING TO INSOLVENCY, CONFLICTS OF INTERESTS OR PROFESSIONAL MISCONDUCT ⁽²⁵⁾

Please note that, for the purpose of this procurement, some of the following exclusion grounds may have been defined more precisely, in national law, in the relevant notice or the procurement documents. Thus, national law may for instance provide that the notion of 'grave professional misconduct' may cover several different forms of conduct.

Information concerning possible insolvency, conflict of interest or professional misconduct	Answer:
Has the economic operator, to its knowledge, breached its obligations in the fields of environmental, social and labour law ⁽²⁶⁾ ?	[] Yes [] No
	If yes , has the economic operator taken measures to demonstrate its reliability despite the existence of this ground for exclusion ('Self-Cleaning')? [] Yes [] No If it has , please describe the measures taken: [.....]

⁽²⁴⁾ Please repeat as many times as needed.

⁽²⁵⁾ See Article 57(4) of Directive 2014/24/EU

⁽²⁶⁾ As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU

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<p>Is the economic operator in any of the following situations:</p> <p>(a) Bankrupt, or</p> <p>(b) The subject of insolvency or winding-up proceedings, or</p> <p>(c) In an arrangement with creditors, or</p> <p>(d) In any analogous situation arising from a similar procedure under national laws and regulations ⁽²⁷⁾, or</p> <p>(e) That its assets are being administered by a liquidator or by the court, or</p> <p>(f) That its business activities are suspended?</p> <p>If yes:</p> <p>— Please provide details:</p> <p>— Please indicate the reasons for being able nevertheless to perform the contract, taking into account the applicable national rules and measures on the continuation of business in those circumstances ⁽²⁸⁾?</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>— [.....]</p> <p>— [.....]</p> <p>(web address, issuing authority or body, precise reference of the documentation):</p> <p>[.....][.....][.....]</p>
<p>Is the economic operator guilty of grave professional misconduct ⁽²⁹⁾?</p> <p>If yes, please provide details:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No,</p> <p>[.....]</p> <p>If yes, has the economic operator taken self-cleaning measures?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If it has, please describe the measures taken:</p> <p>[.....]</p>
<p>Has the economic operator entered into agreements with other economic operators aimed at distorting competition?</p> <p>If yes, please provide details:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p> <p>If yes, has the economic operator taken self-cleaning measures?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If it has, please describe the measures taken:</p> <p>[.....]</p>
<p>Is the economic operator aware of any conflict of interest ⁽³⁰⁾ due to its participation in the procurement procedure?</p> <p>If yes, please provide details:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p>
<p>Has the economic operator or an undertaking related to it advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure?</p> <p>If yes, please provide details:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p>

⁽²⁷⁾ See national law, the relevant notice or the procurement documents.

⁽²⁸⁾ This information needs **not** be given if exclusion of economic operators in one of the cases listed under letter a to f has been made **mandatory** under the applicable national law **without any possibility of derogation** where the economic operator is nevertheless able to perform the contract.

⁽²⁹⁾ Where applicable, see definitions in national law, the relevant notice or the procurement documents.

⁽³⁰⁾ As indicated in national law, the relevant notice or the procurement documents.

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<p>Has the economic operator experienced that a prior public contract, a prior contract with a contracting entity or a prior concession contract was terminated early, or that damages or other comparable sanctions were imposed in connection with that prior contract?</p> <p>If yes, please provide details:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p> <p>If yes, has the economic operator taken self-cleaning measures?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If it has, please describe the measures taken:</p> <p>[.....]</p>
<p>Can the economic operator confirm that:</p> <p>(a) It has not been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria,</p> <p>(b) It has not withheld such information,</p> <p>(c) It has been able, without delay, to submit the supporting documents required by a contracting authority or contracting entity, and</p> <p>(d) It has not undertaken to unduly influence the decision making process of the contracting authority or contracting entity, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

D: OTHER EXCLUSION GROUNDS THAT MAY BE FORESEEN IN THE NATIONAL LEGISLATION OF THE CONTRACTING AUTHORITY'S OR CONTRACTING ENTITY'S MEMBER STATE

Purely national exclusion grounds	Answer:
<p>Do the purely national grounds of exclusion, which are specified in the relevant notice or in the procurement documents, apply?</p> <p>If the documentation required in the relevant notice or in the procurement documents is available electronically, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(web address, issuing authority or body, precise reference of the documentation):</p> <p>[.....][.....][.....] ⁽³¹⁾</p>
<p>In case any of the purely national exclusion grounds apply, has the economic operator taken self-cleaning measures?</p> <p>If it has, please describe the measures taken:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p>

⁽³¹⁾ Please repeat as many times as needed.

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Part IV: Selection criteria

Concerning the selection criteria (Section α or Sections A to D of this part), the economic operator declares that:

α: GLOBAL INDICATION FOR ALL SELECTION CRITERIA

The economic operator should only fill in this field in case the contracting authority or contracting entity has indicated in the relevant notice or in the procurement documents referred to in the notice that the economic operator can limit itself to filling in Section α of Part IV without having to fill in any other Section of Part IV:

Meeting all required selection criteria	Answer
It satisfies the required selection criteria:	<input type="checkbox"/> Yes <input type="checkbox"/> No

A: SUITABILITY

The economic operator should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or in the procurement documents referred to in the notice.

Suitability	Answer
<p>(1) It is enrolled in the relevant professional or trade registers kept in the Member State of its establishment ⁽³²⁾:</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p>[.....]</p> <p>(web address, issuing authority or body, precise reference of the documentation):</p> <p>[.....][.....][.....]</p>
<p>(2) For service contracts:</p> <p>Is a particular authorisation or membership of a particular organisation needed in order to be able to perform the service in question in the country of establishment of the economic operator?</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please specify which and indicate whether the economic operator has it: [...] <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(web address, issuing authority or body, precise reference of the documentation):</p> <p>[.....][.....][.....]</p>

B: ECONOMIC AND FINANCIAL STANDING

The economic operator should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or in the procurement documents referred to in the notice.

Economic and financial standing	Answer:
<p>(1a) Its ('general') yearly turnover for the number of financial years required in the relevant notice or the procurement documents is as follows:</p> <p>And/or,</p> <p>(1b) Its average yearly turnover for the number of years required in the relevant notice or the procurement documents is as follows ⁽³³⁾:</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p>year: [.....] turnover: [.....][...]currency</p> <p>year: [.....] turnover: [.....][...]currency</p> <p>year: [.....] turnover: [.....][...]currency</p> <p>(number of years, average turnover):</p> <p>[.....], [.....][...]currency</p> <p>(web address, issuing authority or body, precise reference of the documentation):</p> <p>[.....][.....][.....]</p>

⁽³²⁾ As described in Annex XI of Directive 2014/24/EU; economic operators from certain Member States may have to comply with other requirements set out in that Annex

⁽³³⁾ Only if permitted in the relevant notice or the procurement documents.

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<p>(2a) Its yearly ('specific') turnover in the business area covered by the contract and specified in the relevant notice or the procurement documents for the number of financial years required is as follows:</p> <p>And/or,</p> <p>(2b) Its average yearly turnover in the area and for the number of years required in the relevant notice or the procurement documents is as follows ⁽³⁴⁾:</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p>year: [.....] turnover: [.....] [...]currency year: [.....] turnover: [.....] [...]currency year: [.....] turnover: [.....] [...]currency</p> <p>(number of years, average turnover): [.....], [.....] [...]currency</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>
<p>(3) In case the information concerning turnover (general or specific) is not available for the entire period required, please state the date on which the economic operator was set up or started trading:</p>	<p>[.....]</p>
<p>(4) Concerning the financial ratios ⁽³⁵⁾ specified in the relevant notice or the procurement documents, the economic operator declares that the actual value(s) for the required ratio(s) is/are as follows:</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p>(identification of the required ratio – ratio between x and y ⁽³⁶⁾ — and the value): [.....], [.....] ⁽³⁷⁾</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>
<p>(5) The insured amount in its professional risk indemnity insurance is the following:</p> <p>If this information is available electronically, please indicate:</p>	<p>[.....] [...]currency</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>
<p>(6) Concerning the other economic or financial requirements, if any, that may have been specified in the relevant notice or the procurement documents, the economic operator declares that:</p> <p>If the relevant documentation that may have been specified in the relevant notice or the procurement documents, is available electronically, please indicate:</p>	<p>[.....]</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>

C: TECHNICAL AND PROFESSIONAL ABILITY

The economic operator should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or in the procurement documents referred to in the notice.

Technical and professional ability	Answer:
<p>(1a) For public works contracts only: During the reference period ⁽³⁸⁾, the economic operator has performed the following works of the specified type:</p> <p>If the relevant documentation concerning satisfactory execution and outcome for the most important works is available electronically, please indicate:</p>	<p>Number of years (this period is specified in the relevant notice or the procurement documents): [.....] Works: [.....]</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>

⁽³⁴⁾ Only if permitted in the relevant notice or the procurement documents.

⁽³⁵⁾ E. g. the ratio between assets and liabilities.

⁽³⁶⁾ E. g. the ratio between assets and liabilities.

⁽³⁷⁾ Please repeat as many times as needed.

⁽³⁸⁾ Contracting authorities may require up to five years and allow experience dating from more than five years.

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<p>(1b) For public supply and public service contracts only:</p> <p>During the reference period ⁽³⁹⁾, the economic operator has delivered the following principal deliveries of the type specified or provided the following main services of the type specified: When drawing up the list, please indicate the amounts, dates and recipients, whether public or private ⁽⁴⁰⁾:</p>	<p>Number of years (this period is specified in the relevant notice or the procurement documents):</p> <p>[.....]</p> <table border="1" data-bbox="805 448 1308 533"> <thead> <tr> <th>Description</th> <th>amounts</th> <th>dates</th> <th>recipients</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Description	amounts	dates	recipients				
Description	amounts	dates	recipients						
<p>(2) It can call upon the following technicians or technical bodies ⁽⁴¹⁾, especially those responsible for quality control:</p> <p>In the case of public works contracts, the economic operator will be able to call on the following technicians or technical bodies to carry out the work:</p>	<p>[.....]</p> <p>[.....]</p>								
<p>(3) It uses the following technical facilities and measures for ensuring quality and its study and research facilities are as follows:</p>	<p>[.....]</p>								
<p>(4) It will be able to apply the following supply chain management and tracking systems when performing the contract:</p>	<p>[.....]</p>								
<p>(5) For complex products or services to be supplied or, exceptionally, for products or services which are required for a special purpose</p> <p>The economic operator will allow checks ⁽⁴²⁾ to be conducted on the production capacities or the technical capacity of the economic operator and, where necessary, on the means of study and research which are available to it and on the quality control measures?</p>	<p>[] Yes [] No</p>								
<p>(6) The following educational and professional qualifications are held by:</p> <p>(a) The service provider or the contractor itself, and/or (depending on the requirements set out in the relevant notice or the procurement documents)</p> <p>(b) Its managerial staff:</p>	<p>(a) [.....]</p> <p>(b) [.....]</p>								
<p>(7) The economic operator will be able to apply the following environmental management measures when performing the contract:</p>	<p>[.....]</p>								
<p>(8) The economic operator's average annual manpower and the number of managerial staff for the last three years were as follows:</p>	<p>Year, average annual manpower:</p> <p>[.....],[.....],</p> <p>[.....],[.....],</p> <p>[.....],[.....],</p> <p>Year, number of managerial staff:</p> <p>[.....],[.....],</p> <p>[.....],[.....],</p> <p>[.....],[.....]</p>								
<p>(9) The following tools, plant or technical equipment will be available to it for performing the contract:</p>	<p>[.....]</p>								
<p>(10) The economic operator intends possibly to subcontract ⁽⁴³⁾the following proportion (i.e. percentage) of the contract:</p>	<p>[.....]</p>								

⁽³⁹⁾ Contracting authorities may **require** up to three years and **allow** experience dating from **more** than three years.

⁽⁴⁰⁾ In other words, **all** recipients should be listed and the list should include both public clients and private clients for the supplies or services concerned.

⁽⁴¹⁾ For technicians or technical bodies not belonging directly to the economic operator's undertaking but on whose capacities the economic operator relies as set out under Part II, Section C, separate ESPD forms must be filled in.

⁽⁴²⁾ The check is to be performed by the contracting authority or, in case the latter consents to this, on its behalf by a competent official body of the country in which the supplier or service provider is established;

⁽⁴³⁾ Please note that if the economic operator **has** decided to subcontract a part of the contract **and** relies on the subcontractor's capacities to perform that part, then please fill in a separate ESPD for such subcontractors, see Part II, Section C above.

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<p>(11) For public supply contracts:</p> <p>The economic operator will supply the required samples, descriptions or photographs of the products to be supplied, which do not need to be accompanied by certifications of authenticity;</p> <p>Where applicable, the economic operator furthermore declares that it will provide the required certificates of authenticity.</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>
<p>(12) For public supply contracts:</p> <p>Can the economic operator provide the required certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to the technical specifications or standards, which are set out in the relevant notice or the procurement documents?</p> <p>If not, please explain why and state which other means of proof can be provided:</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>

D: QUALITY ASSURANCE SCHEMES AND ENVIRONMENTAL MANAGEMENT STANDARDS

The economic operator should only provide information where quality assurance schemes and/or environmental management standards have been required by the contracting authority or contracting entity in the relevant notice or in the procurement documents referred to in the notice.

Quality Assurance Schemes and Environmental Management Standards	Answer:
<p>Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required quality assurance standards, including accessibility for disabled persons?</p> <p>If not, please explain why and specify which other means of proof concerning the quality assurance scheme can be provided:</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....] [.....]</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>
<p>Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required environmental management systems or standards?</p> <p>If not, please explain why and specify which other means of proof concerning the environmental management systems or standards can be provided:</p> <p>If the relevant documentation is available electronically, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....] [.....]</p> <p>(web address, issuing authority or body, precise reference of the documentation): [.....] [.....] [.....]</p>

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Part V: Reduction of the number of qualified candidates

The economic operator should only provide information where the contracting authority or contracting entity has specified the objective and non-discriminatory criteria or rules to be applied in order to limit the number of candidates that will be invited to tender or to conduct a dialogue. This information, which can be accompanied by requirements concerning the (types of) certificates or forms of documentary evidence, if any, to be produced, is set out in the relevant notice or in the procurement documents referred to in the notice.

For restricted procedures, competitive procedures with negotiation, competitive dialogue procedures and innovation partnerships only:

The economic operator declares that:

Reduction of numbers	Answer:
It meets the objective and non-discriminatory criteria or rules to be applied in order to limit the number of candidates in the following way:	[...]
In case certain certificates or other forms of documentary evidence are required, please indicate for each whether the economic operator has the required documents:	<input type="checkbox"/> Yes <input type="checkbox"/> No ⁽⁴⁵⁾
If some of these certificates or forms of documentary evidence are available electronically ⁽⁴⁴⁾ , please indicate for each :	(web address, issuing authority or body, precise reference of the documentation): [.....][.....][.....] ⁽⁴⁶⁾

Part VI: Concluding statements

The undersigned formally declare that the information stated under Parts II – V above is accurate and correct and that it has been set out in full awareness of the consequences of serious misrepresentation.

The undersigned formally declare to be able, upon request and without delay, to provide the certificates and other forms of documentary evidence referred to, except where:

- The contracting authority or contracting entity has the possibility of obtaining the supporting documentation concerned directly by accessing a national database in any Member State that is available free of charge ⁽⁴⁷⁾, or
- As of 18 October 2018 at the latest ⁽⁴⁸⁾, the contracting authority or contracting entity already possesses the documentation concerned.

The undersigned formally consent to [identify the contracting authority or contracting entity as set out in Part I, Section A], gaining access to documents supporting the information, which has been provided in [identify the Part/Section/Point(s) concerned] of this European Single Procurement Document for the purposes of [identify the procurement procedure: (summary description, reference of publication in the Official Journal of the European Union, reference number)].

Date, place and, where required or necessary, signature(s): [.....]

⁽⁴⁴⁾ Please indicate clearly, which item the answer relates to.

⁽⁴⁵⁾ Please repeat as many times as needed.

⁽⁴⁶⁾ Please repeat as many times as needed.

⁽⁴⁷⁾ On condition that the economic operator has provided the necessary information (web address, issuing authority or body, precise reference of the documentation) allowing the contracting authority or contracting entity to do so. Where required, this must be accompanied by the relevant consent to such access.

⁽⁴⁸⁾ Depending on the national implementation of the second subparagraph of Article 59(5) of Directive 2014/24/EU.

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- (1) [OJ L 94, 28.3.2014, p. 65.](#)
- (2) [OJ L 94, 28.3.2014, p. 243.](#)
- (3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995, p. 31](#)).
- (4) For instance that economic operators having been convicted under Articles x, y and z of the national penal code must state so when filling in the information concerning convictions for participation in a criminal organisation or money laundering ...
- (5) Information concerning exclusion grounds.
- (6) Cf. the third subparagraph of Article 71(5) of Directive 2014/24/EU and the third subparagraph of Article 88(5) of Directive 2014/25/EU
- (7) This is the link to the preliminary version under development. When available, the link to the full production version will be inserted or made available otherwise.
- (8) The situation is more complex in respect of **negotiated procedures without prior publication**, provided for under Article 32 of Directive 2014/24/EU and Article 50 of Directive 2014/25/EU as these provisions apply to very different realities.
Requesting an ESPD would constitute an unnecessary administrative burden or be otherwise inappropriate 1) where only one, predetermined participant is possible (for the two Directives, respectively Article 32, paragraph 2(b), paragraph 3(b), paragraph 3 (d) and paragraph 5 of Directive 2014/24/EU and Article 50, letters (c), (e), (f) and (i) of Directive 2014/25/EU and 2) because of the urgency involved (respectively Article 32(2)(c) of Directive 2014/24/EU and Article 50, letters (d) and (h) of Directive 2014/25/EU or because of the particular characteristics of the transaction for supplies quoted and purchased on a commodity market (Article 32(3)(c) of Directive 2014/24/EU and Article 50, letter (g) of Directive 2014/25/EU.
On the other hand, the ESPD would play its role in full and should be requested in the remaining cases, which are characterised by the possible participation of more than one participants and the absence of urgency or particular characteristics linked to the transaction; such is the case in respect of Article 32, paragraph 2(a), paragraph 3(a) and paragraph 4 of Directive 2014/24/EU and Article 50, letters (a), (b) and (j) of Directive 2014/25/EU.
- (9) Articles 74 to 77 and 91 to 94 of, respectively, Directives 2014/24/EU and 2014/25/EU.
- (10) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts, [OJ L 94, 28.3.2014, p. 1.](#)
- (11) Cf. Article 90(3) of Directive 2014/24/EU.
- (12) They will also be able to generate their ESPD as a pdf-file which can be electronically transmitted as an attachment. To be able subsequently to reuse the information, economic operators should save the filled-in ESPD in an appropriate electronic format (such as .xml).
- (13) This might be the case for the minimum required turnover, which in such cases must be determined in function of the maximum estimated value of the single lots.
- (14) Unless the contracting authorities or contracting entities have indicated that general information ('yes'/'no') on meeting the requirements will be sufficient in the first instance. See below for more explanations on this option.
- (15) Such requirements may be general or limited to certain situations only, e.g. only in open procedures or, for two stage procedures, only when all candidates meeting the minimum requirements will be invited to participate.
- (16) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, [OJ L 281, 23.11.1995, p. 31](#).
- (17) See Part II, Section C
- (18) For instance: if the tender and the accompanying ESPD in an open procedure are transmitted by an e-mail which is provided with an electronic signature of the required type, then additional signature(s) on the ESPD might not be necessary. The use of an e-Signature on the ESPD might also not be necessary, when the ESPD is integrated in an e-Procurement platform and e-authentication is required in order to use that platform.

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- (19) Pursuant to Article 80(2) of Directive 2014/25/EU, contracting entities, whether or not they are contracting authorities, may decide to apply the selection criteria provided for in Article 58 of Directive 2014/24/EU (Part IV, Sections A, B and C).
- (20) Use of the ESPD by contracting entities in respect of requirements connected with quality assurance schemes and environmental management standards (Part IV, Section D) is not explicitly provided for under Directive 2014/25/EU, but should nevertheless be allowed for practical reasons, as Articles 62 and 81 of, respectively, Directives 2014/24/EU and 2014/25/EU are substantially the same.
- (21) Pursuant to Articles 77(2) and 78(1) of Directive 2014/25/EU, contracting entities shall select participants on the basis of objective rules and criteria. As described above, these criteria may in some case be those provided for in Directive 2014/24/EU or involve substantially identical provisions (see footnote 16). However, the objective rules and criteria may also be specific to a given contracting entity or a specific procurement procedure. Such cases can, however, not be covered in a standard form.
- (22) Use of the ESPD by contracting entities in respect of the reduction of the number of qualified candidates (Part V) is not explicitly provided for under Directive 2014/25/EU, but should nevertheless be allowed for practical reasons, as both Articles 65 and 78(2) of, respectively, Directives 2014/24/EU and 2014/25/EU require that any such reduction of numbers shall be carried out in accordance with objective and non-discriminatory criteria or rules.

Changes to legislation:

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Changes and effects yet to be applied to :

- Art. 1 word substituted by [S.S.I. 2020/468 reg. 13\(2\)\(a\)](#)
- Art. 1 word substituted by [S.I. 2020/1319 reg. 23\(2\)\(a\)](#)
- Art. 1 words substituted by [S.S.I. 2020/468 reg. 13\(2\)\(b\)](#)
- Art. 1 words substituted by [S.S.I. 2020/468 reg. 13\(2\)\(c\)](#)
- Art. 1 words substituted by [S.I. 2020/1319 reg. 23\(2\)\(b\)](#)
- Art. 1 words substituted by [S.I. 2020/1319 reg. 23\(2\)\(c\)](#)