

ANNEXE D : EXCLUSION GROUNDS

Exclusion grounds	
1) Condemnation or subject of a conviction by final judgment	<p>The counterparty or one of its 'directors[1]' was found guilty following an indefeasible judgement for one of the following offences:</p> <ul style="list-style-type: none"> 1° involvement in a criminal organisation 2° corruption 3° fraud 4° terrorist offences, offences linked related to terrorist activities or incitement to commit such offence, collusion or attempt to commit such an offence 5° money laundering or terrorist financing 6° child labour and other trafficking in human beings 7° employment of foreign citizens under illegal status 8° creating or being a shell company. <p>The exclusions on the basis of this criterion apply for a 5-year term from the date of judgement.</p>
2) Breach of obligations relating to the payment of taxes or social security contributions	<p>The counterparty which fails to fulfil his obligations relating to the payment of taxes or social security contributions for an amount in excess of EUR 3.000, except if the counterparty can demonstrate that a contracting authority owes him one or more unquestionable and due debts which are free of all foreseeable liabilities. These debts are at least of an amount equal to the one for which he is late in paying outstanding tax or social charges.</p>
3) Bankruptcy, liquidation, cessation of activities...	<p>The counterparty who is in a state of bankruptcy, liquidation, cessation of activities, judicial reorganisation or has admitted bankruptcy or is the subject of a liquidation procedure or judicial reorganisation, or in any similar situation resulting from a procedure of the same kind existing under other national regulations;</p>
4) Integrity-related professional misconduct, including: <ul style="list-style-type: none"> - Sexual abuse and/or exploitation - Case of fraud - Case of sexual harassment - False statements - Unfair competition 	<p>When Enabel can demonstrate by any appropriate means that the counterparty or any of its directors has committed serious professional misconduct which calls into question his integrity.</p> <p>Are among others considered such serious professional misconduct:</p> <ul style="list-style-type: none"> a. A breach of Enabel's Policy regarding sexual exploitation and abuse – June 2019 b. A breach of Enabel's Policy regarding fraud and corruption risk management – June 2019 c. A breach of a regulatory provision in applicable local legislation regarding sexual harassment in the workplace d. The counterparty was seriously guilty of misrepresentation or false documents when providing the information required for verification of the absence of grounds for exclusion or the satisfaction of the selection criteria, or concealed this information e. Where Enabel has sufficient plausible evidence to conclude that the counterparty has committed acts, entered into agreements or entered into arrangements to distort competition <p>The presence of this counterparty on one of Enabel's exclusion lists as a result of such an act/agreement/arrangement is considered to be sufficiently plausible an element.</p>
5) Conflict of interest	<p>When a conflict of interest cannot be remedied by other, less intrusive measures;</p>
6) Significant or persistent contract performance failures	<p>When significant or persistent failures by the counterparty were detected during the execution of an essential obligation incumbent on him in the framework of a previous contract, a previous contract placed with another contracting authority, when these failures have given rise to measures as of right, damages or another comparable sanction.</p>

	<p>Also failures to respect applicable obligations regarding environmental, social and labour rights, national law, labour agreements or international provisions on environmental, social and labour rights are considered 'significant'.</p>
	<p>The presence of the counterparty on the exclusion list of Enabel because of such a failure serves as evidence.</p>
7) Financial sanctions	<p>Restrictive measures have been taken vis-à-vis the counterparty with a view of ending violations of international peace and security such as terrorism, human-rights violations, the destabilisation of sovereign states and de proliferation of weapons of mass destruction.</p> <p>The counterparty or one of its directors are on the lists of persons, groups or entities submitted by the United Nations, the European Union and Belgium for financial sanctions: For the United Nations, the lists can be consulted at the following address:</p> <p>https://finance.belgium.be/en/about_fps/structure_and_services/general_administrations/treasury/financial-sanctions/international</p> <p>For the European Union, the lists can be consulted at the following address:</p> <p>https://finance.belgium.be/en/about_fps/structure_and_services/general_administrations/treasury/financial-sanctions/european</p> <p>https://data.europa.eu/data/datasets/consolidated-list-of-persons-groups-and-entities-subject-to-eu-financial-sanctions?locale=en</p> <p>https://eeas.europa.eu/sites/eeas/files/restrictive_measures-2017-01-17-clean.pdf</p> <p>For Belgium:</p> <p>https://finance.belgium.be/en/about_fps/structure_and_services/general_administrations/treasury/financial-sanctions/national</p>
8) Other exclusion grounds	<p><i>If Enabel is carrying out a project for another funder or donor, additional grounds for exclusion are possible.</i></p>