

Natural persons - 1

Questionnaire on certificates under the EU Public Procurement Directives

Question table A: Natural persons

A 1. Exclusion criteria referring to judicial records or equivalent documents issued for natural persons

[Please fill empty fields with Y(es) or N(o) or NA (not applicable)]

<i>MALTA</i>							
Exclusion criterion for a candidate or tenderer who ¹ :	Availability of a(n)				Designation of the extract of the judicial record, the equivalent document or other means of proof	Entity(ies) - issuing the extract of the judicial record, the equivalent document or - certifying other means of proof such as declarations on oath or solemn statements	Do these extracts, documents or other means of proof relate to company directors or any <u>natural</u> person having power of representation, decision-making or control?
	extract of the judicial record	equivalent document	declaration on oath	solemn statement			
a) has been convicted by final judgment of the participation in a criminal organisation	YES				<i>Court Sentence</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
b) has been convicted by final judgment of corruption	YES				<i>Court Sentence</i>	<i>Courts of Justice</i>	<i>Natural Person</i>

¹ For definitions regarding cases a-d cf. Art. 45 of Directive 2004/18/EC

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c) has been convicted by final judgment of fraud	YES			<i>Court Sentence</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
d) has been convicted by final judgment of money laundering	YES			<i>Court Sentence</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
e) has been convicted of an offence concerning his professional conduct by a judgement which has the force of res judicata	YES			<i>Court Sentence</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
f) is bankrupt	YES			<i>Court Sentence</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
g) is being wound up or whose affairs are being administered by the court,	YES			<i>Court Sentence</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
h) has entered into an arrangement with creditors,			YES	<i>Certificate</i>	<i>Commissioner for Oaths</i>	<i>Natural Person</i>
i) has suspended business activities			YES	<i>Certificate</i>	<i>Commissioner for Oaths</i>	<i>Natural Person</i>

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j) is in any analogous situation (f-i) arising from a similar procedure under national laws and regulations			YES		<i>Certificate</i>	<i>Commissioner for Oaths</i>	<i>Natural Person</i>
k) is the subject of proceedings for a declaration of bankruptcy	YES				<i>Certificate</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
l) is the subject of proceedings, for an order for compulsory winding-up	YES				<i>Certificate</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
m) is the subject of proceedings for an order for administration by the court	YES				<i>Certificate</i>	<i>Courts of Justice</i>	<i>Natural Person</i>
n) is the subject of proceedings for an arrangement with creditors			YES		<i>Certificate</i>	<i>Commissioner for Oaths</i>	<i>Natural Person</i>
o) is the subject of any other similar proceedings (k-n) under national laws or regulations			YES		<i>Certificate</i>	<i>Commissioner for Oaths</i>	<i>Natural Person</i>

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A 2. Other exclusion criteria regarding natural persons

[Please fill empty fields with Y(es) or N(o) or NA (not applicable)]

<i>MALTA</i>					
Exclusion criterion for a candidate or tenderer who:	Availability of a			Designation of the document/certificate or other means of proof	Entity(ies) - issuing the document/certificate or - certifying other means of proof
	document or certificate	declaration on oath	solemn statement		
a) has not fulfilled obligations relating to the payment of social security contributions	YES			<i>Certificate</i>	<i>Inland Revenue Department</i>
b) has not fulfilled obligations relating to the payment of taxes	YES			<i>Certificate</i>	<i>Inland Revenue Department</i> <i>VAT Department</i> <i>Customs Department</i>

Question table B: Legal persons

B 1. Exclusion criteria referring to judicial records or equivalent documents issued for legal persons

[Please fill empty fields with Y(es) or N(o) or NA (not applicable)]

<i>MALTA</i>							
Exclusion criterion for a candidate or tenderer who ¹ :	Availability of a(n)				Designation of the extract of the judicial record, the equivalent document or other means of proof	Entity(ies) - issuing the extract of the judicial record, the equivalent document or - certifying other means of proof such as declarations on oath or solemn statements	Do these extracts, documents or other means of proof relate to company directors or any <u>legal</u> person having power of representation, decision-making or control?
	extract of the judicial record	equivalent document	declaration on oath	solemn statement			
a) has been convicted by final judgment of the participation in a criminal organisation			YES		<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
b) has been convicted by final judgment of corruption			YES		<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>

¹ For definitions regarding cases a-d cf. Art. 45 of Directive 2004/18/EC

Legal persons - 2

c) has been convicted by final judgment of fraud			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
d) has been convicted by final judgment of money laundering			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
e) has been convicted of an offence concerning his professional conduct by a judgement which has the force of res judicata			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
f) is bankrupt			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
g) is being wound up or whose affairs are being administered by the court,			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
h) has entered into an arrangement with creditors,			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
i) has suspended business activities			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>

Legal persons - 3

j) is in any analogous situation (f-i) arising from a similar procedure under national laws and regulations			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
k) is the subject of proceedings for a declaration of bankruptcy			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
l) is the subject of proceedings, for an order for compulsory winding-up			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
m) is the subject of proceedings for an order for administration by the court			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
n) is the subject of proceedings for an arrangement with creditors			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>
o) is the subject of any other similar proceedings (k-n) under national laws or regulations			YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Representative designated under the Articles of Association.</i>

Legal persons - 4

B 2. Other exclusion criteria regarding legal persons

[Please fill empty fields with Y(es) or N(o) or NA (not applicable)]

<i>MALTA</i>					
Exclusion criterion for a candidate or tenderer who:	Availability of a			Designation of the document/certificate or other means of proof	Entity(ies) - issuing the document/certificate or - certifying other means of proof
	document or certificate	oath declaration on	solemn statement		
a) has not fulfilled obligations relating to the payment of social security contributions	YES			<i>Certificate</i>	<i>Inland Revenue Department</i>
b) has not fulfilled obligations relating to the payment of taxes	YES			<i>Certificate</i>	<i>Inland Revenue Department</i> <i>VAT Department</i> <i>Customs Department</i>

Question table C: Public entities

C 1. Exclusion criteria referring to judicial records or equivalent documents issued for public entities (either being authorities or bodies governed by public law under Art. 1 (9) of the Directive 2004/18/EEC in so far as these bodies are not covered by question table B on legal persons)

[Please fill empty fields with Y(es) or N(o) or NA (not applicable)]

<i>MALTA</i>							
Exclusion criterion for a candidate or tenderer who ¹ :	Availability of a(n)				Designation of the extract of the judicial record, the equivalent document or other means of proof	Entity(ies) - issuing the extract of the judicial record, the equivalent document or - certifying other means of proof such as declarations on oath or solemn statements	Do these extracts, documents or other means of proof relate to company directors or any <u>public entity</u> having power of representation, decision-making or control?
	extract of the judicial record	equivalent document	declaration on oath	solemn statement			
a) has been convicted by final judgment of the participation in a criminal organisation			YES		<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
b) has been convicted by final judgment of corruption			YES		<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>

¹ For definitions regarding cases a-d cf. Art. 45 of Directive 2004/18/EC

Public entities - 2

c) has been convicted by final judgment of fraud		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
d) has been convicted by final judgment of money laundering		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
e) has been convicted of an offence concerning his professional conduct by a judgement which has the force of res judicata		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
f) is bankrupt		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
g) is being wound up or whose affairs are being administered by the court,		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
h) has entered into an arrangement with creditors,		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
i) has suspended business activities		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>

Public entities - 3

j) is in any analogous situation (f-i) arising from a similar procedure under national laws and regulations		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
k) is the subject of proceedings for a declaration of bankruptcy		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
l) is the subject of proceedings, for an order for compulsory winding-up		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
m) is the subject of proceedings for an order for administration by the court		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
n) is the subject of proceedings for an arrangement with creditors		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>
o) is the subject of any other similar proceedings (k-n) under national laws or regulations		YES	<i>Certificate</i>	<i>Commissioner of Oaths</i>	<i>Chairman or CEO responsible for the organisation.</i>

Public entities - 4

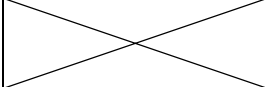
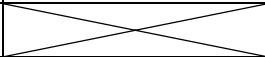

C 2. Other exclusion criteria regarding public entities (either being authorities or bodies governed by public law under Art. 1 (9) of the Directive 2004/18/EEC in so far as these bodies are not covered by question table B on legal persons)

[Please fill empty fields with Y(es) or N(o) or NA (not applicable)]

<i>MALTA</i>					
Exclusion criterion for a candidate or tenderer who:	Availability of a			Designation of the document/certificate or other means of proof	Entity(ies) - issuing the document/certificate or - certifying other means of proof
	document or certificate	oath declaration on	solemn statement		
a) has not fulfilled obligations relating to the payment of social security contributions	YES			<i>Certificate</i>	<i>Inland Revenue Department</i>
b) has not fulfilled obligations relating to the payment of taxes	YES			<i>Certificate</i>	<i>Inland Revenue Department</i> <i>VAT Department</i> <i>Customs Department</i>

Certification bodies and lists of economic operators - 1

Question table D in respect of Art. 52 of the Directive 2004/18/EC

<i>MALTA</i>		
Official lists of approved economic operators		Name and address of the relevant body (or bodies) to which applications for a listing or a certification should be sent
a) for works contractors	<i>[yes/no]</i>	No
b) for suppliers	<i>[yes/no]</i>	No
c) for service providers	<i>[yes/no]</i>	No
Certification by certification bodies		
a) for works contractors	<i>[yes/no]</i>	No
b) for suppliers	<i>[yes/no]</i>	No
c) for service providers	<i>[yes/no]</i>	No

Contact point - 1

Question table E: Contact point regarding the questions dealt with above:

<i>[Member State or, if applicable, subdivision of Member State]</i>	
Name	Mr Anthony J Cachia
Institution	Department of Contracts
Address	Notre Dame Ravelin, Floriana CMR 02, MALTA
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Fax	00356 21 247 681
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