**RESPONSIBLE DECLARATION IN THE FRAMEWORK OF THE**

**RECOVERY, TRANSFORMATION AND RESILIENCE PLAN (RTRP)**

# File nº:

# Tender procedure:

**RTRP Component:**

Component number: Component name:

# Investment/Reform:

Investment / Reform Number: Investment / Reform Name:

# Subproject:

Subproject number:

**TEMPLATE FOR DECLARATION UNDER SPANISH RECOVERY, TRANSFORMATION AND RESILIENCE PLAN (RTRP)**

## Section 0: General information to complete

Mr/Ms ……………………………………………………, with …………. ID No. …………………….., as Managing Director/Manager/ of the entity ………………………………………………………………………….., with Tax ID No. …………………………., and registered address at ………………………………………………………………………………………………………………………………………………………………………………………………………………………………. which takes part as contractor/sub-contractor in the development of actions needed to achieve the aims defined in Component, Investment and National Code Project mentioned on the front page.

-----------------------------------------------------------------------------------------------------

## Section 1: Declaration of commitment to comply with the cross-cutting principles of the Recovery, Transformation and Resilience Plan (RTRP).

The undersigned person STATES the commitment of the entity he/she represents to the highest standards in relation to compliance with legal, ethical and moral rules, adopting the necessary measures to prevent and detect fraud, corruption and conflicts of interest, reporting any non-compliance observed to the appropriate authorities.

In addition, in accordance with the content of the RTRP, it undertakes to respect the principles of circular economy and to avoid significant negative impacts on the environment (‘do no significant harm’) in the execution of the actions carried out within the framework of the Plan, and states that it does not incur in double financing and that, where applicable, it is not aware of any risk of incompatibility with the State aid regime.

For the record, this declaration has been signed.

## Section 2: Responsible statement of no significant harm to the environment (DNSH principle)

I, the undersigned, DECLARE UNDER MY RESPONSIBILITY:

1. That the activities to be carried out in the course of the performance of the contract do not cause significant damage to the following environmental objectives, according to Article 17 of Regulation (EU) No 2020/852 on establishing a framework to facilitate sustainable investments through the implementation of a classification system (or ‘taxonomy’) of environmentally sustainable economic activities:

1. Climate change mitigation.

2. Adaptation to climate change.

3. Sustainable use and protection of water and marine resources.

4. Circular economy, including waste prevention and recycling.

5. Prevention and control of pollution to air, water or soil.

6. Protection and restoration of biodiversity and ecosystems.

1. The activities comply, where appropriate, with the characteristics and conditions set for the measure and sub-measure of the Component and reflected in the RTRP.
2. The activities carried out under the contract will comply with the applicable environmental regulations in force.
3. The activities carried out are not excluded for funding by the Plan in accordance with the Technical Guidance on the application of the principle of ‘no significant harm’ under the Resilience and Recovery Mechanism Regulation (2021/C 58/01)32, the Proposal for a Council Implementing Decision on the approval of the PRTR assessment and its Annex.

1. Construction of crude oil refineries, coal-fired power plants and projects involving the extraction of oil or natural gas, due to the detriment to the objective of climate change mitigation.

2. Fossil fuel activities, including the further use of fossil fuels, except projects related to the generation of electricity and/or heat using natural gas, as well as related transmission and distribution infrastructure, which comply with the conditions set out in Annex III of the European Commission's Technical Guide.

3. Activities and assets under the EU Emissions Trading Scheme (ETS) for which the greenhouse gas emissions they are expected to cause are not expected to fall below the relevant benchmarks. Where the greenhouse gas emissions from the supported activity are expected to be significantly below the baseline, an explanation shall be provided.

4. Compensation of indirect ETS costs.

5. Activities related to waste landfills and incinerators, this exclusion does not apply to actions in plants dedicated exclusively to the treatment of non-recyclable hazardous waste, or in existing plants, where such actions aim at increasing energy efficiency, capturing exhaust gases for storage or use, or recovering materials from incineration ashes, provided that such actions do not lead to an increase in the waste treatment capacity of the plants or to an extension of their lifetime; these details must be documented for each plant.

6. Activities related to mechanical-biological treatment plants, this exclusion does not apply to actions in existing mechanical-biological treatment plants, where such actions aim at increasing their energy efficiency or their retrofitting for separate waste recycling operations, such as composting and anaerobic digestion of biowaste, provided that such actions do not lead to an increase of the waste treatment capacity of the plants or to an extension of their lifetime; these details shall be documented for each plant.

7. Activities where the long-term disposal of waste may cause damage to the environment.

1. The activities carried out do not cause direct effects on the environment, nor primary indirect effects throughout their life cycle, understanding as such those that could materialise after their completion, once the activity has been carried out.

And for the record, this declaration is signed.

## Section 3: Declaration of Absence of Conflict of Interest (DACI)

In order to guarantee impartiality in the contracting procedure referred, the undersigned DECLARES:

**First**. I/We hereby declare that I/we are aware of the following:

1. That Article 61.3 «Conflict of interest», of Regulation (EU,Euratom) 2018/1046 of the European Parliament and of the Council of 18 July (EU Financial Regulation) states that ‘a conflict of interest shall exist where the impartial and objective exercise of functions is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any direct or indirect personal interest’.

2. That article 64 «Fight against corruption and prevention of conflicts of interest» of Law 9/2017, of 8 November, on Public Sector Contracts, aims to avoid any distortion of competition and to guarantee transparency in the procedure and ensure equal treatment for all candidates and bidders.

**Secondly.** That I am not in any situation that could be qualified as a conflict of interest as indicated in Article 61.3 of the EU Financial Regulation.

**Thirdly**. That I undertake to inform the contracting authority, without delay, of any situation of conflict of interest that gives or could give rise to such a scenario, after signing this declaration.

**Fourth.** I am aware that a declaration of absence of conflict of interest that is proven to be false will entail the disciplinary/administrative/judicial consequences established by the applicable regulations.

For the record, this declaration is signed.

## Section 4: Declaration of transfer and processing of data in relation to the implementation of actions under the Recovery, Transformation and Resilience Plan (RTRP*)*

## I, the undersigned, DECLARE:

## I am aware of the applicable regulations, in particular the following paragraphs of Article 22 of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Resilience and Recovery Mechanism:

## 

## 1. Paragraph 2(d): «to seek, for the purpose of auditing and monitoring the use of funds

## in relation to measures for the implementation of reforms and investment projects under the recovery and resilience plan, in a searchable electronic format and in a single database, the following harmonised categories of data:

i. The name of the final recipient of the funds;

ii. The name of the contractor and of the subcontractor, where the final recipient of the funds is a contracting authority in accordance with Union or national public procurement law;

iii. The names and dates of birth of the beneficial owners of the beneficiary of the funds or of the contractor, as defined in point 6 of Article 3 of Directive (EU) 2015/849 of the European Parliament and of the Council (26); iv. a list of the measures to be taken to ensure that the beneficiary of the funds or of the contractor, as defined in point 6 of Article 3 of Directive (EU) 2015/849 of the European Parliament and of the Council (26);

iv. A list of measures for the implementation of reforms and investment projects under the recovery and resilience plan, together with the total amount of public funding for those measures and indicating the amount of funds disbursed under the Facility and other Union funds».

2. Paragraph 3: «The personal data referred to in paragraph 2(d) of this Article shall only be processed by the Member States and the Commission for the purposes and duration of the relevant discharge audit and control procedures relating to the use of funds in connection with the implementation of the agreements referred to in Articles 15(2) and 23(1). As part of the discharge procedure of the Commission, in accordance with Article 319 of the TFUE, the Facility shall be subject to reporting in the framework of the integrated financial reporting and accountability referred to in Article 247 of the Financial Regulation and separately in the annual report management and performance report».

In accordance with the aforementioned legal framework, you agree to the transfer and processing of the data for the purposes expressly stated in the aforementioned articles.

And for the record, this declaration is signed.

## Section 5: Responsible declaration to protect the Union's financial interests

I, the undersigned, DECLARE:

- I expressly authorise the Commission, theEuropean Anti-Fraud Office, the Court of Auditors and, where appropriate, the European Public Prosecutor's Office to exercise their rights under Article 129(1) of the Financial Regulation.

- I undertake to keep the documents in accordance with Article 132 of the Financial Regulation.

……………………..., XX of ……………, 202X

Signed: …………………………………………….

Position: