

## **Statement of Integrity made by the Client of the Contracting Authority**

Reference name of the Client Agreement: \_\_\_\_\_ (The "Contract")

To: \_\_\_\_\_ (The "Contracting Authority")

- 1) We recognise and accept that *Agence Française de Développement* ("AFD") only finances projects of the Contracting Authority subject to its own conditions which are set out in the Financing Agreement which benefits directly or indirectly to the Contracting Authority. As a matter of consequence, no legal relationship exists between AFD and our company. The Contracting Authority retains exclusive responsibility for the preparation and implementation of the selection process and performance of the Contract.
- 2) We hereby certify that neither we nor any other member of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are in any of the following situations:
  - a) Being bankrupt, wound up or ceasing our activities, having our activities administered by the courts, having entered into receivership, reorganisation or being in any analogous situation arising from any similar procedure;
  - b) Having been:
    - i. convicted within the past five years by a court decision, having the force of *res judicata*, in the country where the Contract is implemented or in a European Union member country, for an act of corruption, fraud, money laundering, terrorist financing and anti-competitive practices (acts referred to as "Prohibited Practice(s)") in the *AFD Group's policy to prevent and combat Prohibited practices*, committed during a selection process or performance of a contract, or for violation of an exclusion situation referred to in article 136 of the European Union financial regulation 2018/1046 where applicable,<sup>1</sup> (in the event of such conviction, you may attach to this Statement of Integrity supporting information showing that this conviction is not relevant in the context of this Contract);
    - ii. subject to an administrative sanction within the past five years by the European Union or by the competent authorities of the country where we are constituted, for a Prohibited Practice as defined in the *AFD Group's policy to prevent and combat Prohibited Practices*, or for violation of an exclusion situation referred to in article 136 of the European Union financial regulation where applicable,<sup>2</sup> during a selection process or performance of a contract (in the event of such sanction, you may attach to this Statement of Integrity supporting information showing that this sanction is not relevant in the context of this Contract);
    - iii. convicted within the past five years by a court decision, which has the force of *res judicata*, for a Prohibited Practice as defined in the *AFD Group's policy to prevent and combat Prohibited practices*<sup>3</sup> committed during the selection process or performance of an AFD-financed contract;

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<sup>1</sup> For information (the website link may be changed within the AFD website): <https://www.afd.fr/sites/afd/files/2020-12-02-11-23/afd-group-policy-prevent-and-combat-prohibited-practices.pdf>

<sup>2</sup> For information (the website link may be changed within the AFD website): <https://www.afd.fr/sites/afd/files/2020-12-02-11-23/afd-group-policy-prevent-and-combat-prohibited-practices.pdf>

<sup>3</sup> For information (the website link may be changed within the AFD website): <https://www.afd.fr/sites/afd/files/2020-12-02-11-23/afd-group-policy-prevent-and-combat-prohibited-practices.pdf>

- iv. convicted by a decision or sanction referred to in i to iii above, dating back more than 5 years ago but still ongoing;
  - c) Having been subject within the past five years to a contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
  - d) Not having fulfilled our fiscal obligations regarding payments of taxes in accordance with the legal provisions of either the country where we are constituted or the Contracting Authority's country;
  - e) Being subject to an exclusion decision of the World Bank and being listed on the website <http://www.worldbank.org/debarr> (in the event of such exclusion, you may attach to this Statement of Integrity supporting information showing that this exclusion is not relevant in the context of this Contract);
  - f) Having created false documents or committed misrepresentation in documentation requested by the Contracting Authority as part of the selection process of this Contract.
- 3) We hereby certify that neither we, nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are in any of the following situations of conflict of interest:
- g) Being an affiliate controlled by the Contracting Authority or a shareholder controlling the Contracting Authority, unless the stemming conflict of interest has been brought to the attention of the Contracting Authority and resolved to its satisfaction;
  - h) Having a business or family relationship with a Contracting Authority's staff involved in the selection process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of the Contracting Authority and resolved to its satisfaction;
  - i) Being controlled by or controlling another candidate, or being under common control with another candidate, or receiving from or granting subsidies directly or indirectly to another candidate, having the same legal representative as another candidate, maintaining direct or indirect contacts with another candidate which allows us to have or give access to information contained in the respective applications, bids or proposals, influencing them or influencing decisions of the Contracting Authority;
  - j) Being engaged in a consulting services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the Contracting Authority;
  - k) In the case of the Contract involving the purchase of goods, works or plants:
    - i. Having prepared or having been associated with a consultant who prepared specifications, drawings, calculations and other documentation to be used in the selection process to this Contract;
    - ii. Having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract;
- 4) We certify that neither we, nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are listed for financial sanctions by the United Nations, the European Union and/or France for the purposes of fight-against-terrorist financing or threat to international peace and security<sup>4</sup>;

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<sup>4</sup> for information purposes, the Contracting Authority is providing the following references:  
- for the lists maintained by the United Nations : <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>

- 5) We certify that :
- l) none of our staff member involved in the Contract, including management, are in a conflict of interest situation. In such a situation, and in addition to its contractual obligations, the Client replaces without delay and without indemnity the conflicted member with another non conflicting member;
  - m) all staff member is instructed to refrain from conducting activities or receive any benefit in conflict with our obligations under the Contract;
  - n) all measures necessary are in place to prevent and stop any situation – especially conflict of interest- which may impair the transparent and fair execution of the Contract. A conflict of interest may result in particular from economic interests, political acquaintances, family and personal relations or any relation of shared interests.
- 6) We certify that we did not engage into Prohibited Practices during the selection process of the Contract, and will not engage into Prohibited Practices during the performance of the Contract
- 7) If we are a state-owned entity, and to compete in a selection process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.
- 8) We certify that our funds and funds invested in the Project by the Contracting Authority are not of illicit origin, namely funds obtained through:
- a) The commission of any predicate offence as designated in the FATF 40 recommendations Glossary under "*catégories désignées d'infractions*" ([http://www.fatf-gafi.org/media/fatf/documents/recommendations/Recommandations\\_GAFI.pdf](http://www.fatf-gafi.org/media/fatf/documents/recommendations/Recommandations_GAFI.pdf));;
  - b) any act of corruption, or
  - c) any fraud against the financial interests of the European Community, if or when applicable, being referred to as any intentional act or omission intended to damage the European Union budget and involving (i) the use or presentation of false, inaccurate or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of funds or in any illegal reduction in resources of the general budget of the European Union; (ii) the non-disclosure of information with the same effect; and (iii) misappropriation of such funds for purposes other than those for which such funds were originally granted.
- 9) Neither we nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or France;
- 10) We commit ourselves to comply with and ensure that all of our suppliers, contractors, subcontractors, consultants or subconsultants comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract, including the fundamental conventions of the International Labour Organisation (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the environmental and social commitment plan (ESCP) provided by the Contracting Authority.
- 11) We certify that our internal procedures provide that our suppliers, contractors, subcontractors, or staff members are instructed that it shall not receive or agree to receive from any person, nor

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- for the EU : : [https://eeas.europa.eu/headquarters/headquarters-homepage/8442/consolidated-list-sanctions\\_fr](https://eeas.europa.eu/headquarters/headquarters-homepage/8442/consolidated-list-sanctions_fr)  
-for France : <https://www.tresor.economie.gouv.fr/services-aux-entreprises/sanctions-economiques/dispositif-national-de-gel-des-avoirs>

offer or agree to offer or procure any gift, advantage, commission or any payment as an incitation or reward to perform or refrain from performing any act in relation to the Contract, for himself or another Person or entity.

- 12) In case we are constituted as an association, we undertake to prevent the risk of terrorism financing and undertake to apply measures indicated in the “Risque de financement du terrorisme: Guide de bonne conduite à l’attention des associations”, available on its website.<sup>5</sup>
- 13) We shall use our best efforts not to provide, directly or indirectly, any material/financial support nor any other resource to any person or entity who undertakes, attempts to undertake, advocates, facilitates or takes part in Acts of Terrorism, or has otherwise undertaken, attempted to undertake, advocated, facilitated or taken part in such Acts. Act of Terrorism meaning: (i) Any act prohibited by Conventions and Protocols of the United Nations Organization related to the fight against terrorism (which may be consulted on the following website: <https://legal.un.org/ola/Default.aspx>); or (ii) Any offence referred to be articles 3 to 10 of Directive (EU) 2017/541 of the European Parliament of 15 March 2017 on combating terrorism; or (iii) Any other action done with the object of killing or severely injuring a civilian or any other person who does not participate in hostilities in a situation of armed conflict, which, by its nature or context, aims to intimidate a population or to unduly compel a government or an international organisation to perform or abstain from performing any act.
- 14) We undertake to bring to the attention of the Contracting Authority, which will inform AFD as needed, any change in situation with regard to points here above, together with any suspicions in relation to any Prohibited Practices, to which we shall remedy to the satisfaction of the Contracting Authority, including if necessary by stopping using the funds under the Contract. The Contracting Authority reserves the right to verify that such remedies are appropriate and may require additional measure as appropriate.
- 15) We, as well as members of our joint venture and our suppliers, contractors, subcontractors, consultants or subconsultants authorise AFD to inspect accounts, records and other documents relating to the selection process and performance of the contract and to have them audited by auditors appointed by AFD.

Name: \_\_\_\_\_ In the capacity of: \_\_\_\_\_

Duly empowered to sign in the name and on behalf of<sup>6</sup>: \_\_\_\_\_

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_

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<sup>5</sup> For information purposes (web link subject to change)  
<https://www.tresor.economie.gouv.fr/Institutionnel/Niveau3/Pages/13d1cb87-cf27-49ca-ad57-dc2855a2b26e/files/af9b595d-2404-4d95-9e56-2b61e2ed55be>

<sup>6</sup> In case of joint venture, insert the name of the joint venture. The person who will sign the application, bid or proposal on behalf of the candidate, applicant, bidder or consultant shall attach a power of attorney from the applicant, bidder or consultant.