

## RELEVANT REQUESTS FOR CLARIFICATIONS EIB (JR – 1457) SECOND SET OF RESPONSES

### Question relating to Annex I

Question 1: Is the below list correct and if so in our response can we modify the wording in Annex 1 to reflect that the Applicant, since it is a global financial institution, is established and/or maintains business relationships with entities incorporated in some of these territories?

The undersigned duly authorized to represent the [Applicant], by signing this form certifies and declares that the Applicant shall comply with relevant standards and applicable legislation on the prevention of money laundering, the fight against terrorism and tax fraud and that is not established and shall not maintain business relations with entities incorporated in territories whose jurisdictions do not cooperate with the Union in relation to the application of the internationally agreed tax standard.

We understand these jurisdictions include [https://ec.europa.eu/taxation\\_customs/tax-common-eu-list\\_en](https://ec.europa.eu/taxation_customs/tax-common-eu-list_en)

American Samoa  
Bahrain  
Guam  
Marshall Islands  
Namibia  
Palau  
Saint Lucia  
Samoa  
Trinidad and Tobago

Response: The part underlined in the text above can be excluded from the declarations to be made in Annex I.

Question 2: In our response can the wording in Annex 1 be modified to reflect the below?

The undersigned, duly authorized to represent the [Applicant], by signing this form certifies and declares that the [Applicant] does not perform (i) illegal activities according to the applicable legislation in the countries of establishment or (ii) activities referred to in Article 19 of Regulation (EU) No 1291/2013 of the European Parliament and the Council establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC dated 11 December 2013.

While the Applicant aims not to perform illegal activities and as financial institution does not perform any of the activities referred to in Article 19, the Applicant is not in a position to certify that it does not provide financing to non-EU companies in jurisdictions where research activities as per Art 19 may be permissible.

Response: The declaration on the second question could be limited to (i) nimb.

### Question relating to Appendix 2

Question 3: In relation to Questions 5 to 10, responses should be stated in the form of “Yes/No” or “Certified” with detail provided when requested. There is no additional indication to provide additional detail if some answers are yes - for example in questions 5 or 8. Should we assume we need to detail or explain further?

Response: Yes, you can provide additional language and detail should you wish to do so.

Question 4: Question 7 says The Applicant certifies that neither the organisation nor any of the persons authorised to act on its behalf are in liquidation.

Should *act on its behalf* read “*act on its behalf in relation to this EoI*”?

Response: Yes, you can modify the language as per the above proposal.

Question 5: In question 10 should it read social *security* obligations?

Response: Yes.

### Question relating to Appendix 3

Question 6: (1)(b) is final administrative decision considered to be one that implies that the institution is in breach of law? If following a final administrative decision any disputed taxes have been settled and/or there is an ongoing appeal to a final administrative decision, do these situations qualify to respond YES to this question?

Response: Final administrative decision means administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established.