

ANNEX 4: DEFINITIONS OF EXCLUSION CRITERIA

Bankruptcy: means a legal proceeding, whether judicial, administrative or regulatory, for winding-up, settling or distributing the assets and liabilities of an insolvent or bankrupt person or entity.

Child Labor: means any practice inconsistent with the rights set forth in the Convention on the Rights of the Child, including article 32 thereof, which, inter alia, requires that a child shall be protected from performing any work that is likely to be exploitative, hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development. For further information refer to Article 36 of the 1994 Ethiopian Constitution; Labour Proclamation No. 1156/2019; Ratified ILO Conventions No. 138 and No. 182.

Conflict of Interest: means a situation where a personal interest conflicts with or improperly influences the performance of an obligation or duty. For purposes of this policy, the appearance of a conflict of interest (apparent conflict of interest) and the possibility that a conflict of interest could arise (potential conflict of interest) fall within the scope of the definition of conflict of interest.

Financing of Terrorism: means any prohibited activity that directly or indirectly finances or provides support or assistance to individuals or entities that are (i) associated with terrorism, as included in the list maintained by the United Nations Security Council Committee established pursuant to Resolutions 1267 (1999), 1989 (2011) and 2253 (2015); or (ii) the subject of sanctions or other enforcement measures pursuant to sanctions regimes established by the United Nations Security Council.

Forced Labor: means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered him/herself voluntarily, in accordance with the definition of forced or compulsory labour contained in the ILO Forced Labour Convention (1930).

Fraud and Corruption: means any of the following prohibited practices:

- *Corrupt practice:* means the offering, giving, receiving or soliciting, directly or indirectly, of anything of value, whether tangible or intangible, to improperly influence the actions of another party, including but not limited to extortion, fraud, and bribery;
- *Fraudulent practice:* means any act or omission, including misrepresentation, which knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial and/or other benefit and/or to avoid an obligation;
- *Collusive practice:* means an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
- *Coercive practice:* means any act impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of the party;

- *Obstructive practice*: means acts or omissions intended to materially impede the exercise of contractual rights of audit, investigation and access to information, including destruction, falsification, alteration or concealment of evidence material to an investigation into allegations of fraud and corruption.

Money Laundering: means any prohibited activity as defined in Article 6 of the United Nations Convention against Transnational Organized Crime:

- The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her actions;
- The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing such property is the proceeds of crime;
- The acquisition, possession or use of property, knowing at the time of receipt that such property is the proceeds of crime;
- The participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this Article 6.

Non-observance of the Law: means the willful or reckless disregard or evasion of or noncompliance with any applicable laws, ordinances, rules, regulations or obligations, including, but not limited to: grave professional misconduct, including misrepresentation or the failure to timely disclose a conflict of interest; non-payment of taxes or social security contributions; conduct related to a criminal organization; breach of health, safety, labour and environmental standards; breach of data protection/privacy laws; human trafficking and other grave human rights violations; and the commission of terrorist offences or offences linked to terrorist activities.

Sexual Abuse: means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Exploitation: means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual Harassment: means any conduct or behavior of a sexual nature in the workplace or in connection with work, which is unwelcome and offensive and which can reasonably be seen as creating an offensive, intimidating, hostile or humiliating working environment. Sexual harassment may occur between persons of the opposite sex or the same sex. It may be a single incident or a series of events.

Shell company: means a business entity without active business operations or significant assets. It is used to hide a person's or another company's activities, sometimes illegal ones.

