

Declaration "Relationship to Russia"
for the procurement measure:

The following binding declaration is made:

1. The **contender(s) / tenderer(s)** is/are not among the **persons or businesses** referred to in **Article 5 k** (1) of the regulation (EU) No. 833/2014 as amended by Article 1(23) of Council Regulation (EU) 2022/576 of 8 April 2022 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine [see page 2 for text] **which/who have a connection to Russia within the meaning of the provision,**

a) as a result of the Russian nationality of the contender/tenderer or place of business of the applicant/tenderer in Russia;

b) as a result of the participation of a natural person or a company, to which one of the criteria under letter (a) applies, in the contender's/tenderer's operations through the holding of shares of more than 50 per cent;

c) as a result of actions by the contender/tenderer on behalf of or on the instructions of persons or companies to which the criteria under letters (a) and/or (b) apply.

2. Those companies participating in the contract as **subcontractors, suppliers or companies, whose capacities are relied upon in connection with the provision of proof of eligibility**, which account for more than 10 per cent of the order value are also not included in the group of persons with a connection to Russia within the meaning of the provision.

3. It is confirmed and ensured that during the contract term as well, no **subcontractors, suppliers or companies, whose capacities are relied upon in connection with the provision of the proof of eligibility**, which account for more than 10 per cent of the contract value shall be utilized.

Place, date

Signature, stamp

Name and address of tenderer:

Article 5k of Regulation (EU) No. 833/2014, version Art. 1 no. 23 of the Regulation (EU) 2022/576 of the Council of 8 April 2022 reads as follows:

1. It shall be prohibited to award or continue the execution of any public or concession contract falling within the scope of the public procurement Directives, as well as Article 10, paragraphs 1, 3, 6(a) to 6(e), 8, 9 and 10, Articles 11, 12, 13 and 14 of Directive 2014/23/EU, Article 7 and 8, Article 10 (b) to (f) and (h) to (j) of Directive 2014/24/EU, Article 18, Article 21 (b) to (e) and (g) to (i), Articles 29 and 30 of Directive 2014/25/EU and Article 13 (a) to (d), (f) to (h) and (j) of Directive 2009/81/EC, to or with:

- (a) a Russian national, or a natural or legal person, entity or body established in Russia;
- (b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a) of this paragraph; or
- (c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph,

including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the public procurement Directives.

2. By way of derogation from paragraph 1, the competent authorities may authorise the award and continued execution of contracts intended for:

- (a) the operation, maintenance, decommissioning and radioactive waste management, fuel supply and retreatment and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, as well as the supply of precursor material for the production of medical radioisotopes and similar medical applications, critical technology for environmental radiation monitoring, as well as civil nuclear cooperation, in particular in the field of research and development;
- (b) intergovernmental cooperation in space programmes;
- (c) the provision of strictly necessary goods or services which can only be provided, or which can only be provided in sufficient quantities, by the persons referred to in paragraph 1;
- (d) the functioning of diplomatic and consular representations of the Union and of the Member States in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in accordance with international law;
- (e) the purchase, import or transport of natural gas and oil, including refined petroleum products, as well as titanium, aluminium, copper, nickel, palladium and iron ore from or through Russia into the Union; or
- (f) the purchase, import or transport into the Union of coal and other solid fossil fuels, as listed in Annex XXII until 10 August 2022.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this Article within two weeks of the authorisation.

4. The prohibitions in paragraph 1 shall not apply to the execution until 10 October 2022 of contracts concluded before 9 April 2022.